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## House of Representatives

The House met at 10:30 a.m., and was called to order by the Speaker pro tempore [Mr. EVERETT].

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 24, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon [Ms. FURSE] for 5 minutes.

### A DECLARATION TO THE REPUBLICAN PARTY

Ms. FURSE. Mr. Speaker, last week, members of the Steel Workers Union came to see me and they brought with them what they called a declaration to the Republican Party. These are not my words. They are their words. They are the almost 1 million strong steel workers who represent so many of our working people.

This is what they said, and I quote:

We of the United Steel Workers of America, we work in the steel mills, rubber

plants, chemical plants, mines, hospitals, offices, in workplaces large and small all over this land; it is we and the millions of working people just like us, active and retired, who have built this country and created the prosperity that has made the United States of America the beacon of hope and freedom for all people.

We believe with the founders of our Nation that we are endowed with certain inalienable rights, amongst which are the rights to life, liberty and the pursuit of happiness, and we believe that these rights include the rights of workers to have jobs, with fair wages and safe and healthy workplaces, the right to a job which is safe, the right of workers to organize in unions, the right of children to grow up free of poverty and be educated for fulfilling lives, the right of all citizens to be free of discrimination, whatever their race, religion or sex, the right of those who have completed a productive life to enjoy their retirements, and the right of all citizens to health care, the right of all of us to clean air, clean water, and a clean environment.

Mr. Speaker, the Steel Workers go on to say, and I quote:

We come here today to declare that the Republican Party has declared war on us and all our brothers and sisters across this great land. It has declared war on our families and on our communities.

They go on to say:

You would tear down the agencies that guarantee our right to decent jobs in safe workplaces. You would eliminate our right to organize. You would deny our children's hopes for education. You would deprive our senior citizens of security. You would rip up the laws that have gone so far to erase our Nation's bitter heritage of racism and discrimination. You would convert our environment from a priceless gift to be preserved to an economic resource to be raped and exploited. You would encourage the rich to get richer and condemn the poor to get poorer. You would do these things by turning over our country to the greedy. You would sell our heritage to the corporations whose lobbyists you cater to. You would undermine every piece of socially responsible legislation that we and our predecessors struggle to achieve.

The Steel Workers of America end by saying: "You have declared war on us,

the working people of America," and I end quote.

Mr. Speaker, I want to say, these are not my words, but they are the words of many, many of my constituents. They are the words of the Steel Workers of America, almost 1 million strong.

### REFORMING MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized during morning business for 5 minutes.

Mr. DOGGETT. Mr. Speaker, "What you don't understand is why I ain't dumb enough to fall on my sword." Let me repeat that. "What you don't understand is why I ain't dumb enough to fall on my sword."

Those are not my words. Rather, they are the words as quoted in the Houston Chronicle of the majority leader of this House, my Republican colleague from Texas, the Honorable DICK ARMEY, when asked to explain why the Republican majority is unwilling to detail to American seniors, to American families, the specifics of their plan to do what they call reforming Medicare.

We have, since that time, been told by Speaker GINGRICH that perhaps 2 months from now, and it is almost 2 months to the day, on September 22, we will finally hear the details of how it is that our Republican colleagues propose to deal with the Medicare system.

One can hardly stop in amazement as to why it is, if this is such a good plan to reform and save Medicare for future beneficiaries, rather than run to decimate it for people who are on Medicare, why it is that they are hiding their light under a bushel, why it is that they will not detail to the American people so that they can evaluate how great a plan this is, rather than having

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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it sprung on them as a September surprise for seniors, why it is they are hiding their plan.

I think the reason is clear to any close observer of what is happening to Medicare, why it is that our Republican colleagues are, in fact, mediscared when it comes to revealing the details of their plan to alter and decimate the Medicare system.

The whole plan is based on two premises. No. 1 is the premise that it is not so much about Medicare that they are concerned, but they need a certain amount of money and it just so happens that what I have always viewed as the Medicare trust fund, but what they seem to see as the Medicare slush fund, has moneys coming into it that are available to meet their need to provide some tax shift and relief for the most privileged few in our country. It is really not a battle about Medicare. It is just that there are Medicare funds there that they want to use for something else.

The second and the most significant premise about these so-called reform plans that the majority leader does not want to fall on his sword on and is not dumb enough to fall on his sword on, is that all of the various approaches that have been conceived in the name of reform are based on one simple premise, and that is that health care is just too cheap for our senior citizens; they are not contributing enough to their Medicare.

In fact, even though they contribute more on the average as a proportion of their income than any other age group in this country, although they have no Medicare coverage for prescriptions, which is an extreme cost for many of our Nation's seniors or for the families that are backing up their parents, although there is no real effective coverage anywhere for long-term health care, for the long-term health care needs of many of our Nation's seniors, these so-called reform plans are based on the assumption that our seniors are just getting by with having to pay too little and that they ought to have to pay more with reference to their health care.

One of the concepts that is being advanced, and all of these concepts we get not from anything that has been said at this microphone or anywhere on the floor of this House, because to this very day, since this idea of junking Medicare as we have known it has come out from our Republican colleagues, from day one, they have been as silent as this microphone to my left is at the moment when it comes to detailing their plans. They have been mediscared to come to this floor and level with the American people and tell the American people what it is that they are doing. They have yet to utter a word of specifics.

There are a number of internal memos that, thanks to the freedom of the press in this country, reporters have investigated and they have talked to staff members and they have gotten

contact here and there, and some of the Nation's leading news periodicals, relying on those Republican staff members and off-the-record comments, have begun to get the details of what is about to be sprung on it two months from now in September.

One of the ideas that is about to be sprung on us is the idea consistent with the approach that American seniors are just not paying enough out of their pocket for their health care, that we ought to discourage them from buying insurance, the MediGap insurance that many seniors purchase in order to cover what Medicare does not cover now.

The theory, according to these investigative reports is that, relying on Medigap insurance, seniors just do not have to pay enough for their coverage.

The second idea is to raise monthly fees, and the third is to actually raise the age at which people can qualify.

All of these suggest that the American people need to get more informed about the September surprise for seniors that our Republican colleagues plan to pose with reference to Medicare.

#### SOLVENCY OF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, now I have heard it all. It is the Republicans that are mediscared? I am sorry. I thought it was the President of the United States, a Democratic President of the United States, that had his Medicare trustees go out and study the solvency of the system.

He did that and they came back, and they came back with a conclusion that I am sure made the President of the United States uncomfortable. The Medicare trustees, three of whom are in the President's own Cabinet, came back and told the President of the United States: Medicare is going bankrupt in 7 years. Let me repeat that. The Medicare trustees came back and said: Mr. President, Medicare goes bankrupt in the 2002.

Yet, since that report has come out, we have seen nothing but speeches like the one that we just heard talking about how mean-spirited the Republicans and the conservative Democrats are for actually daring to step forward and try to save Medicare.

We have seen the minority leader come to the microphone and continually show a picture of two senior citizens, Ma and Pa Middle America, and say, it is the mean-spirited Republicans that are going after Ma and Pa America because they are coming in and they are going to change the Medicare system.

Let me tell you something. That is demagoguery. I am sorry. That is all it can be called. When the person stands behind that microphone and knows in 7

years that those senior citizens that they are coming up proclaiming to protect will be part of a Medicare system that is bankrupt and they are too afraid to do anything about it and they attack those who would dare to step into the fray and try to save Medicare, that is demagoguery defined. It is what is worse with Washington politics, somebody standing on the sideline doing nothing but pointing fingers at the other side when they dare to tackle a problem that the other side is afraid to touch.

Do you want to understand this debate? Do you want to understand in the end where the lines are drawn in this debate? Just remember this, and I will repeat it one or two times so you can remember it. Medicare is going bankrupt and the House Democrats are doing nothing about it. Medicare is going bankrupt and the House Democrats are doing nothing about it. Medicare is going bankrupt, bankrupt, and the House Democrats are doing nothing about it.

I have two choices. I can go back to my mother 7 years from now and my father 7 years from now and tell them in Pensacola, FL, "I am sorry, mom and dad, that this system is bankrupt, but 7 years ago when the Board of Trustees came back on Medicare and told me that it was going bankrupt, I lacked the political courage to do anything about it because I was afraid what the other side might tell me."

I am not going to do that. Let me tell you something. It is not just Republicans, House Republicans, that are being left out on the line. The House Democrats have abandoned their President. Say what you will about President Clinton, say what you will, but even he recognizes that Medicare is going bankrupt and the House Democrats are doing nothing about it.

Mr. Speaker, they can come behind this microphone all they want and say how mean-spirited it is all they want, but it does not change a basic fact. Medicare is going bankrupt and the House Democrats are doing nothing about it.

I will not wash my hands of this matter and there are leaders throughout Washington that will not wash their hands of this matter. We will reform Medicare to save it and I hope somebody on the Democratic side will do the same thing.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to avoid personal references to the Members who have participated in the morning hour debates.

#### SHORTFALL IN MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I probably represent the Democratic side and let me try and clear up this Medicare thing. Yes, we do have a report from the trustees of Medicare that it will have a shortfall starting in the year 2002.

Let me ask a question. Here is the big difference between the sides. If you had a report saying there would be a shortfall in the year 2002, would you run out then and take another \$270 billion out of this account? It is not going to have a surplus. It is going to have a shortfall. If you take \$270 billion out of it, boy, oh boy, is it going to have a shortfall in the year 2002 because that is exactly what the other side of the aisle is trying to do.

We hear all this yelling and posturing. It is because they do not have the facts on their side so they have got to yell louder.

Now they are going to take the \$270 billion out to give a tax cut, and it is basically going to be for people who make over \$350,000 a year. They are going to get about a \$20,000 a year rebate. Goody for them, and the people who are on Medicare are going to pay for it.

On this side of the aisle, what the President has said is that the Medicare system is in trouble and he is talking about trying to cut down \$70 billion. There is a big difference between \$270 billion and \$70 billion, but he is talking about trying to cut out waste of \$70 billion or find efficiencies of \$70 billion and not fund a tax cut, but reinvest it in the Medicare fund. That will help make it solvent.

If you take the money out and it is already in trouble, you only escalate the problems you are going to have. If you take it out of the trust fund and try to find efficiencies and the savings you get you put back in the trust fund, then you hope to make it solvent. That is what all of the screaming is about.

It is really very simple. What has really happened is they do not want to admit what they are doing. I mean, it is embarrassing. The people are not stupid in this country. Thank goodness. They know there is a big difference between finding savings and reinvesting it in that trust fund, and it should be a separate trust fund because you put the money in separately. It did not come out of general revenues, and people are trying to find it as a way to do a bill payer for big tax cuts that this side is not supporting.

Why do I care so much about Medicare? Because if you gut Medicare the way they are talking about it, the impact it is going to have on the American woman is very serious. Many more women than men are on Medicare, but not only at the Medicare level. It is going to impact women who are not on Medicare because women are still the primary caregivers in this country, and if older women suddenly find they can-

not make a go of it because Social Security does not give them enough money to pay the increased costs in their health care thing, they are going to end up having to move back with families or rely on families for more care-giving or whatever, and while many men do that, the still highest percentage of care-giving is still done by woman.

Let me just give some statistics that show you what kind of trouble women are in. I only say that everything that I put out here, if you are an older woman and you are an older woman of color, the situation is much less.

Very, very few, in fact, only 13 percent of America's women over 65, receive a private pension, only 13 percent. Why? Because when they were in the workplace, they had marginal jobs. Most did not have benefits; and if they do get a pension, their pensions are at the very lowest. So the 13 percent who do the best still are at the lowest end of the pension scale because it was before affirmative action; it was before a lot of things, and these women had very poor-paying jobs.

As a consequence, we have many, many women over the age of 65 relying solely on Social Security, solely on Social Security, and out of that, they have to make their Medicare payments and they have to make all the rest of their payments.

Most of you know, if you are relying solely on Social Security, you are in big trouble. Then, if you look at the next level of what happens to women, women live longer than men, but because we have done a very poor job in the past of doing research on women's diseases, older women are much more apt to be incapacitated by arthritis, osteoporosis, frailty, many of the kinds of diseases that we do not have an answer for at this point. As a consequence, they need it.

So I just think it is really time to put this all in perspective, that people should stop yelling, look at the facts and let us get back to saving Medicare rather than trying to gut Medicare.

#### PRESERVE AND PROTECT MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. METCALF] is recognized during morning business for 5 minutes.

Mr. METCALF. Mr. Speaker, the President's commission does indeed state that Medicare, and the Medicare trustees state clearly that by 1997, we start having more money coming out of the Medicare fund than going in. By the year 2002, it is bankrupt, and that is unacceptable. It is absolutely unacceptable.

Medicare must be preserved and must be protected, and we will preserve and protect Medicare. Presently, the allotment per year for senior citizens in Medicare is \$4,300. By the next 10 years, it will be \$6,400. We are increasing Med-

icare about 5 percent, a little bit more each year. This increase is called a cut only inside the beltway. The people of America can recognize the difference.

The solution of the other side is to put more money into the system that is already causing us these problems. We do not have the money today. We do not have the money. We have debt. Today we have a huge debt. It is a deficit which runs well over \$250 billion a year. If we had not borrowed all the money in the past, if we had not irresponsibly spent that money in the past, this Government is running a surplus.

Did you know that this Government is running a surplus today if you do not count the interest paid on the previous debt? All that irresponsible spending now results in a debt payment that is so large that it is more than the deficit that we are running, and it is really important to get that clear.

If we did not owe the money, we are running a surplus. Today we have to stop, we have to balance the budget, we have to stop the increasing debt, we have to solve the deficit.

The amount that is paid in interest on the debt is \$1,300 per person per year, not per wage earner or anything, men, women and children. Thirteen hundred dollars per person per year just to pay the interest on the debt. That does not buy anything that you need, does not buy anything that the Government does; just to pay the interest.

A child born in 1995 will look forward to paying \$187,000 in their lifetime just to pay the interest on the debt. That is about the cost of a very nice home. What we are doing to our children by refusing to get the spending in control is to remove their chance to own a home. My wife and I have realized the American dream. We have a home. We have it fully paid for. My grandchildren will not have that opportunity unless we solve that problem.

I just want to throw in one other little statistic to remember about debt and the growing debt. It is so easy to just continue. The people of England are still paying interest on the money they borrowed to fight Napoleon. They have paid that money 14 times over. They paid 14 times as much as they borrowed in interest and they are still paying the interest.

If we do not solve this problem, if we do not solve this problem right in the next very few years, we are subjecting our own children to debt slavery. We are taking money out of their standard of living just to pay interest on the debt. Permanent interest payments on a perpetual debt is debt slavery for children. We have to balance the budget and we will balance the budget.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 56 minutes a.m.) the House stood in recess until 12 noon.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EVERETT] at 12 noon.

#### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O loving God, for all the memories that have sustained and nourished our lives throughout our times. Specially we are indebted to those people whose attention has given us support and joy and assurance. We are appreciative of our families where tradition and heritage have motivated our endeavors and whose devotion is more than we could ask or expect. It is our prayer, O God, that we will gather together these remembrances that have been gifts to us and use them in our daily lives, now and evermore. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1854) "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MACK, Mr. BENNETT, Mr. HATFIELD, Mrs. MURRAY, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 638. An act to authorize appropriations for United States insular areas, and for other purposes;

S. 1023. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; and

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

#### KEEPING OUR PROMISES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the Republican majority in Congress is committed to keeping our promises for the American people. We pledge to reduce the size and scope of the Federal Government, balance the Federal budget, and lower taxes on working families. We also passed a budget resolution that eliminates the deficit by the year 2002. It also provides a \$245 billion tax relief segment to families, seniors businesses.

Currently we are in the process of implementing this plan. We are passing appropriations bills that cut wasteful spending, eliminate unnecessary programs and downsize bloated bureaucracies.

The President has also expressed his desire to eliminate the deficit. Strangely enough, however, he has submitted two budget proposals that produce \$200 billion in deficits as far as the eye can see. He helped kill the balanced budget amendment and he vetoed a \$16.4 billion rescission bill. Now he says he is threatening to veto our appropriations bills because they cut too much spending.

Mr. Speaker, I believe the American people understand the difference. I think they will see that the Republicans are right in downsizing the Government to increase their take-home pay.

#### LOBBY REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, in Texas we believe in giving credit where credit is due. Today I, as a Democrat, rise to salute and applaud the Republican majority leader, BOB DOLE, for allowing gift and lobbying reform measures to come before the U.S. Senate this week.

I believe that this is a great development for the American people, who will recall that in the waning hours of the last session a Democratic initiative for lobby reform was killed by Republicans to the cheers of lobbyists outside.

Senator DOLE has at least reluctantly agreed to the Democratic demands for a vote on measures severing the ties that bind lobbyists to legislators in this Congress.

Strangely, the Washington Times reports that the same thing is not happening here in the House of Representatives. Rather, they report that the House Republican leadership's agenda calls for no action on gift and lobby reform this year.

Students of Congress know that if we delay until next year, we will not get the reform we need.

Mr. Speaker, it is time for Speaker GINGRICH and the Republican leadership to follow Senator DOLE's lead and reluctantly agree to Democratic demands that we address gift reform and lobby reform now and stop intimidating those who demand that we address them.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to make references to actions in the other body.

#### FAIRY TALES

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I had the opportunity to spend some time with my grandchildren this past weekend, and like any good grandfather I read them fairy tales before bedtime. It made me think about the problems we have here in Washington. Some people have a hard time separating facts from fairy tales. It is simply a matter of fact that Medicare will go bankrupt in 7 years. It is a fact documented in a report put out by the Medicare Trustees, three of whom are members of the Mr. Clinton's administration. Anyone who tells you differently, well that is a fairy tale. The Republicans have made a decision to fix Medicare. We will strengthen Medicare so that it may survive well into the next century. That is a fact. We must act to save the system now. That is also a fact. Anyone who would tell you that Medicare is doing just fine, and that the Republicans are trying to fix a system that isn't broken, well, that is someone who has been reading way too much of Alice in Wonderland lately.

#### PARENTS DAY

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Mr. Speaker, yesterday was Parents Day for the first time ever. A lot of us probably missed it. That is because by now we have a day for nearly every purpose under the sun. But this one, Parents Day, stands for something important: the importance of parents, our parents, in our own lives and in the life of our country.

I think one way that Congress can distinguish this occasion and make it a special day is this week or next to pass H.R. 2030, a bill called parental choice in television. This bill gives parents a very simple power, the power to stop their children from watching TV shows that they think are too violent or too vulgar. Nationwide 72 percent of the people, when polled recently, said there is too much violence on TV.

An even larger number said they think that this violence shows up again as violence on the streets and violence in the schools.

Our bills will give parents a device to block violence and sex from coming into their homes by TV. When parents have this device built into their own TV sets, I think the networks are going to take note. I think they are going to be a lot more careful about the violence and vulgarity that they script into today's programs. All sorts of groups that care about children, from the PTA, to the elementary school principals, from psychiatrists to pediatricians have endorsed our bill. I urge the Committee on Rules to do the same and allow us the opportunity to offer it as an amendment to the telecommunications bill when it comes up in the House.

#### KOREAN WAR MEMORIAL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute.)

Mr. MONTGOMERY. Mr. Speaker, this Thursday at 3 in the afternoon at The Mall in front of the Lincoln Memorial, we will dedicate the Korean Memorial that honors those veterans who fought and were called to active duty during the Korean war. This, Mr. Speaker, is a very attractive memorial that will attract thousands and thousands of Americans to come and look at that war memorial that is dedicated to the Korean veterans and to those who went to Korea.

Mr. Speaker, I am proud to say about 30 Members of the House participated in the Korean war. I was one of them. So it is a pleasure to announce that this memorial will be dedicated this Thursday.

#### ECONOMIC RECOVERY AT THE EXPENSE OF WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Business Week Reports that corporate profits are at a 50-year high. They say that executives who average over \$1 million a year in pay and bonuses have caused this great profit by in fact cutting the wages of American workers and many times replacing full-time American workers with temporary hires.

You see, to many corporations, I believe, the best American workers is an American worker that also happens to

qualify for food stamps. Now, experts are saying this is the greatest economic recovery in our history. If that is so, I say right on the floor, these economic experts have been inhaling for a long time.

#### THE V CHIP

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I would hope that the Committee on Rules would make in order the Spratt-Markey-Moran-Burton amendment dealing with the V chip, which is the ability to provide parents greater say over what programs come into their home and to have the ability to lock those programs out should they desire that their children not be able to view those programs.

Many in the telecommunications industry and certainly many in the networks fought this effort when it was offered on the floor of the Senate and were able to defeat it. We should empower parents to have the say, to have this control in their own home about the kind of programming that is coming into their programs, especially when so very often young children are left at home or are home for a good portion of the day while both parents are out working.

Those parents should have the confidence that they can have some say to regulate the flow of programming, if they are concerned about violence, if they are concerned about sexual content of programs, they should have some say in that. They should be able to pick and choose for their children, not the networks and apparently not the sponsors that are not prepared to exercise self-control and to respect the rights of young children and of families.

I hope that the Committee on Rules would make the amendment in order and Members of the House would vote for the V chip amendment.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 27 years ago, on July 3, 1968, my predecessor in Congress, the late James Howard, spoke eloquently on this floor in honor of the second anniversary of the Medicare Program. Medicare was enacted during Congressman Howard's first term in Congress. I know he looked

upon this opportunity to be part of that Medicare debate as a great honor.

I just wanted to quote something that he said in the RECORD on that day in 1968. He said:

As we celebrate the second anniversary of Medicare, we are really celebrating the enrichment of many lives, the elderly who are already served by Medicare, those who will be served in the coming years and the rest of us whose lives are enriched daily as we watch our elders lead more productive lives.

Now, I would like to compare what Jim Howard expressed so eloquently to what the Republican leadership of today is saying about Medicare.

According to one of the Republican leaders recently, "Medicare is a program I would have no part in the free world. Medicare," he said, "teaches seniors the lessons of dependence."

Mr. Speaker, the differences between Congressman Howard's statements and those Republican statements and the differences in the philosophies underlying them could not possibly be more stark. On the one hand you have Congressman Howard, a man of great compassion, expressing what most Americans believed then and still believe now, that Medicare is a hugely successful program which have been responsible for dramatically enhancing the quality of life of senior citizens and that this, in turn, has enriched the lives of all Americans, young and old.

On the other hand, Mr. Speaker, you have the Republican leadership of the 104th Congress tearing down Medicare as somehow unAmerican and implying that senior citizens should be ashamed of themselves for using their hard-earned Medicare benefits to pay for their health care, that participating in Medicare is somehow learning the lessons of dependence.

Of course, none of this is at all surprising. It is exactly what congressional Republicans have been saying about Medicare since it was started. After all, the congressional Republicans of today are indeed the direct ideological descendants of the party that did everything it could to prevent Medicare from ever being enacted.

Next week, we will be marking another anniversary, the 30th anniversary of the House passage of the Medicare Program. Unfortunately, unlike when Jim Howard came to the floor 27 years ago, this anniversary is not an occasion for celebration. Rather, it is a time to rally against yet another wrong-headed Republican attack on Medicare.

So far the Republican side has tried very hard to keep the specifics of their plans to change Medicare a secret from the American people. Who can blame them when you consider that the vast majority of Americans are against them. But last week we noticed in the papers that Senator GREGG of New Hampshire announced legislation with the goal of replacing Medicare coverage with a voucher program.

Mr. Speaker, a voucher system, no matter how you cloak it, amounts to

turning back the clock 30 years and abrogating the contract Congress made with America's seniors. Republican proposals to implement a voucher system are motivated exclusively by their desire to reduce the Federal budget by \$270 billion at senior citizen's expense. The amount the voucher provides will not likely be based on the cost of a quality health care plan but, rather, what level of funding is politically acceptable in a given fiscal year.

The Federal Government would, in effect, be walking away from Medicare and saying to seniors, Here is what we can afford; you make up the difference and fend for yourselves.

Since the overwhelming majority of seniors live on fixed incomes, they will not be able to pay more. Most would be forced to buy inadequate coverage. Some may not be able to find any health insurance and, rather than having choice, as Republicans claim, seniors would struggle in an increasingly expensive insurance market to buy diminished coverage with limited funds.

In closing, Mr. Speaker, I would like to read from a statement that a senior citizen named Arthur Martin submitted to the Committee on Ways and Means on November 20, 1963. It poignantly conveys just why Medicare was needed then and why we need it today.

Mr. Martin said that his total income is his Social Security check of \$174, out of which he pays rent, utilities, food, et cetera. Three years ago, he said, he contracted bronchial asthma and was hospitalized five different times. The only remedy he had available was charity.

The stigma and indignity to self-respect to a resident of 50 years in the same community leading a respectable life as a taxpayer and in the evening of his life having to resort to charity was unbearable and humiliating. Whatever savings he had were wiped out in hospital and medical care.

Mr. Speaker, unless these Republican plans are stopped in their tracks, we are going to turn back the clock and create another generation of seniors who face the same indignity and pain that Mr. Martin endured 30 years ago, before we had Medicare. That would truly be an American tragedy, which I think that we in this Congress have to stop.

#### AMERICAN PRINTING HOUSE FOR THE BLIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WARD] is recognized for 5 minutes.

Mr. WARD. Mr. Speaker, this week—yesterday—I did a tour of the American Printing House for the Blind. Let me restate that name: the American Printing House for the Blind. It is in the center of the United States of America, and it happens to be in Louisville, KY, in my district. This is where services for the blind are generated in terms of printing.

The American Printing House for the Blind produces such works as this geography of the United States printed in Braille. What we see here is the only page that is printed in ink, in fact, because this is a supplement for a geography book.

What you will see from here on in, and I do not believe the camera will be able to pick this up, because it is Braille, there might be a little, there might be an ability on the camera to see some of these bumps. This is Braille. This is printed in very short runs, very limited editions for those people in our country who cannot study because of their eyesight.

□ 1220

That is people who are totally blind or in some other way are legally blind.

The reason I bring this up, Mr. Speaker, is that in the budget that is being marked up in the Committee on Appropriations right now; there is a 40-percent cut in the Federal expenditure at the American Printing House for the Blind in Louisville. That 40 percent is only \$2 million, \$2 million, which will not have the effect of balancing our Federal budget. It does not even represent one-thousandth of 1 percent of the tax cut that is being included in this next Federal budget, not even one-thousandth of 1 percent.

However, what it does to the American Printing House for the Blind in Louisville and the impact it has all over this country can be devastating. That is because there is no other supply for these kinds of materials. This is an American history book. As Members can see, it seems awfully big. In fact, it is just one of four volumes that are needed because of the large print. These are reprinted directly off of a standard American history textbook, but done in huge print for those who have some sight to be able to study. They are done in very limited runs.

There is no commercial alternative for either of these kinds of volumes. What we will see is a reduction by 40 percent if this budget cut goes through in the actual services, these actual kinds of materials, that are to be used by our blind children in this country.

We are talking about \$107 a year that is set aside for each legally blind child in America, up to college age, not including college age, high school or less, \$107 that is currently available to be spent by their school all over the country at the American Printing House for the Blind.

A 40-percent reduction, Mr. Speaker, would be unthinkable. A 40-percent reduction would do exactly what we are talking about up here not doing, because what we have been hearing for the last 6 months, and what we are all committed to, is helping people to help themselves, putting people in a position to get along a little better, to be able to do a little better for themselves and provide for themselves a little better. However, if we reduce by 40 percent the amount of school materials that

young blind people in this country can have to enhance their studies and continue their studies, we will be making it harder for them to take care of themselves as time goes by.

I ask the Members of the Congress to join me in restoring this 40 percent to the American Printing House for the Blind and make sure that all of our blind children in America have the opportunity to learn and then later to earn.

#### TOBACCO AND AMERICA'S YOUTH

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I have taken out this special order to talk about the No. 1 threat to the health of our children—tobacco.

This week, data from the National Institute on Drug Abuse shows that we are losing the battle to keep cigarettes away from children. In just 3 years, there has been a 30-percent increase in smoking among 13- and 14-year-olds. Nearly one-third of high school seniors smoke cigarettes.

This is a health crisis of huge dimensions. Every day, 3,000 children start smoking. One-third of these children will eventually die from their tobacco addiction.

Why is this happening? The answer is obvious. The tobacco industry spends \$5 billion a year—over \$10 million a day—on tobacco advertising and promotion. Much of this effort is specifically targeted at children. To keep its profits flowing, the industry has developed clever promotions like Joe Camel and the Marlboro Country Store aimed directly at children.

The administration is trying to protect our children from tobacco. As reported last week, FDA Commissioner David Kessler has found that tobacco is an addictive drug. He has called for commonsense regulation to protect children—like banning cigarette vending machines. I believe the President will support these efforts.

Unfortunately, when word of the administration's actions leaked out, it encountered fierce resistance on Capitol Hill. The Speaker said that Commissioner Kessler must be "out of his mind" to consider regulating tobacco. Other Members promised Congress would intervene to prevent regulation from going forward.

It is against this backdrop that I am here today. This hour, I will be reading into the RECORD excerpts of dozens of previously secret documents from the Nation's largest tobacco company, Philip Morris. These documents make a compelling case for regulation of tobacco to protect children. I hope they will dissuade Members of this body from any legislative effort to block regulation.

Last year, when I served as chairman of the Health and the Environment

Subcommittee, we commenced an investigation of the tobacco industry. We learned more in that year than we had learned in the previous decade about tobacco industry efforts to study and manipulate nicotine, an addictive drug.

The subcommittee's investigation was cut short prematurely by the elections. In particular, we were able to learn very little about the activities of the Nation's largest tobacco company, Philip Morris. Two out of every three cigarettes smoked by children are Marlboro cigarettes—a Philip Morris product. But we learned far less about Philip Morris than its much smaller rival, Brown & Williamson.

Since the election, I have continued my investigation as an individual Member of Congress. I have been handicapped by the inability to hold hearings or hire an investigative staff. But nonetheless, I have learned a tremendous amount about Philip Morris. I am here today to report on what I have learned to this body.

I am here to report that Philip Morris researchers administered painful electric shocks to college students to determine the influence of anxiety on student smoking habits.

I am here to report that Philip Morris studies third-graders to determine if hyperactive children are a potential market for cigarettes.

I am here to report that the company planned illegal experiments that involved injecting human subjects with nicotine.

And I am here to report that as early as 1969, the board of directors of Philip Morris was briefed by its researchers on the addictive nature of nicotine. The board was told that people smoked to obtain "the pharmacological effect of smoke" and that smokers' craving for this effect is so strong that it "preempts food in times of scarcity on the smoker's priority list."

The documents that I will be discussing today describe the secret research activities of Philip Morris from January 1969 to November 1980. Some of these documents were described in a front-page article in the New York Times on June 8, 1995. Most of the documents, however, have never previously been discussed in public.

Last month, I wrote Philip Morris to ask the company to cooperate with FDA's investigation by turning over the documents described in the New York Times to FDA. However, the company refused to cooperate.

Three major points emerge from the documents I will describe today:

First, Philip Morris conducted an extensive, but secret, research program into nicotine pharmacology for over a decade.

Second, top Philip Morris scientists and executives have known for decades that cigarettes have powerful and addictive pharmacological effects.

Third, Philip Morris conducted secret research that focussed on the pharmacological effects of cigarettes on children and college students.

#### THE SECRET NICOTINE PHARMACOLOGY PROGRAM

The documents I will describe today cover the period from January 1969 to November 1980. They describe an intensive investigation into nicotine pharmacology, involving dozens of previously secret studies.

The studies described in the document range from traditional pharmacology involving animal experiments to high-technology electroencephalography [EEG], which measures human brain waves. Some of the studies raise troubling ethical questions. And some appear to be simply illegal.

Three of the documents describe experiments that were to involve injecting nicotine into human subjects. Such experiments are illegal without the approval of the federal Food and Drug Administration. In another series of five experiments described in the documents, Philip Morris administered "painful" electric shocks to human subjects. Experiments that inflict pain are ethically dubious unless they are being conducted for beneficial purposes.

The volume of the experimentation is staggering. In one typical year—1979—at least 16 separate studies on nicotine pharmacology were conducted by three different Philip Morris laboratories:

First, the Animal Behavior Group conducted six experiments on topics such as "nicotine discrimination" and "nicotine self-administration." These are the same studies that are used by the National Institute on Drug Abuse to establish the addiction potential of drugs.

Second, the Neuropsychology Laboratory conducted five experiments on topics such as "effects of smoking on the electroencephalogram" and "long-term deprivation and the electrical activity of the brain." These studies are designated to show the pharmacological effects of cigarettes on the human brain. Third, the Smoking Behavior Group conducted five studies on topics such as the behavioral consequences of smoking low-nicotine cigarettes. These studies were used to learn how smokers respond to changes in nicotine delivery.

Philip Morris conducted these studies for commercial reasons. The document describing the plans and objectives for the Behavioral Research Laboratory in 1979 states expressly that "the rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products."

There is no reason to believe that the documents provide a comprehensive summary of Philip Morris' nicotine research. As I will discuss, congressional hearings I held last year disclosed that nicotine research occurred after the period covered in this report. Moreover, most of the documents discuss the activities of Philip Morris' Richmond, VA, research center. The documents

contain only fleeting references to nicotine studies being conducted by Philip Morris in Cologne, Germany, and Neuchâtel, Switzerland. Virtually nothing is known about these secretive foreign research programs.

#### TOP PHILIP MORRIS SCIENTISTS AND EXECUTIVES KNEW CIGARETTES HAVE POWERFUL AND ADDICTIVE PHARMACOLOGICAL EFFECTS

On April 14, 1994, Philip Morris CEO William Campbell testified before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce that "cigarette smoking is not addictive," that nicotine is retained in cigarettes because nicotine "contributes to the taste of cigarettes," and that "Philip Morris research does not establish that smoking is addictive." The documents I will describe conflict fundamentally with these statements.

The documents show that top Philip Morris scientists and executives knew that cigarettes have powerful and addictive pharmacological effects. For instance, the documents show:

First, during the fall of 1969, the Philip Morris Board of Directors was briefed by Philip Morris researchers on why people smoke. The researchers told the board that people smoke to obtain "the pharmacological effect of smoke." The researchers further told the Board that smokers' craving for this "pharmacological effect" is so strong that it "preempts food in times of scarcity on the smoker's priority list."

Second, in November 1974, Philip Morris' Director of Research, Thomas Osdene, who subsequently became vice president for science and technology, approved and sent to the then vice president for research and development, Helmut Wakeham, and other Philip Morris officials a report stating that the consumer smokes "to achieve his habitual quota of the pharmacologically active components of smoke" and that stopping smoking produces "reactions . . . not unlike those to be observed upon withdrawal from any number of habituating pharmacological agents."

Third, in March 1980, Philip Morris researcher Jim Charles, who subsequently became vice president for research and development, wrote the then vice president for research and development, Robert Seligman, that "nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke." He added that "nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as 'the reason for smoking.'"

Contrary to Philip Morris' public statements that cigarettes are not a drug, the documents are replete with statements that describe cigarettes in explicitly drug-like terms. The documents, for instance, include many references to "pharmacological effects,"



"dose control," "withdrawal syndrome," "nicotine regulators," "nicotine dose," "nicotine pharmacology," "nicotine administration," "nicotine analogues," and "blood nicotine levels."

PHILIP MORRIS CONDUCTED RESEARCH ON THE EFFECTS OF CIGARETTES ON CHILDREN AND COLLEGE STUDENTS

One of the most significant revelations in the documents is that Philip Morris conducted pharmacological research specifically targeted at children and college students.

One of the longest-running studies in the documents addresses the "hyperkinetic child as a prospective smoker." In this study, Philip Morris collaborated with the Chesterfield County school system in Richmond, VA, to determine whether hyperkinetic and borderline hyperkinetic children will become cigarette smokers in their teenage years. The researchers explained:

It has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down. Many children are therefore regularly administered amphetamines throughout grade school years. . . . We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children in the third grade.

This research began in 1974. It continued until 1978, when it had to be terminated prematurely because of objections from the school system and physicians.

Many of the studies conducted by Philip Morris investigated the pharmacological effects of cigarettes on college students. These studies provided scientific data about the youngest segment of the cigarette market lawfully available to Philip Morris. Moreover, because there is no bright line that separates college students from underage smokers, the studies also provided Philip Morris with considerable insight into the underage market.

In one series of experiments with college students—code-named "Shock I, II, III, IV, and V"—Philip Morris administered electric shocks to the students to determine if student smoking rates increase under stressful conditions. This study began in 1969. It ultimately had to be terminated in 1972 because "fear of shock is scaring away some of our more valuable students."

In another study, Philip Morris gave college students low-nicotine cigarettes in an attempt to force the students "to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose."

Philip Morris maintains publicly that it does not target children in advertising, cigarette sales, or other ways. The documents undermine this claim—at least as it applies to scientific research. They show that Philip Morris has targeted children and college students, the youngest segment of the market, for specific research projects.

At this point, I want to begin to read excerpts from the documents. I have organized the documents chronologically, beginning in January 1969 and continuing to November 1980.

#### CHRONOLOGY OF PHILIP MORRIS RESEARCH ON NICOTINE PHARMACOLOGY

**January 1969.**—A Philip Morris report describes "objectives and plans" for its Smoker Psychology Program. These objectives and plans provide the first recognition in the documents that cigarettes have psychopharmacological effects and are smoked for need-gratification.

One objective mentioned in the report is an "attempt to teach a rat to seek the inhalation of cigarette smoke \* \* \* through the reinforcing effect of the psychopharmacological effects of the inhaled smoke." This objective is noteworthy because a hallmark of an addictive substance is that the substance is reinforcing and will be self-administered by rats. As described later in this chronology, Philip Morris succeeded in 1980, well in advance of the rest of the scientific community, in showing that nicotine has this hallmark characteristic of an addictive substance.

A second objective mentioned in the report is to determine whether "there is any product that can potentially replace the cigarette in need-gratification."

Source: P.A. Eichorn and W.L. Dunn, "Plans and Objectives—1600"—January 8, 1969.

**August 1969.**—A Philip Morris scientist, William Dunn, proposes that research techniques used to study "drug addiction" be applied to study "the experiences of smokers in their efforts to discontinue the habit."

Dunn had visited a drug addiction study being conducted by Dr. Paul Lazarsfeld at Columbia University. Impressed by the study, Dunn wrote to Helmut Wakeham, the vice president for research and development at Philip Morris, to propose that Dr. Lazarsfeld study "the experiences of smokers in their efforts to discontinue the habit." Dunn argued that the drug addiction methodologies would be "highly effective" in studying the cigarette habit:

I saw this approach in operation in the drug-addiction conference. In its current application it appears highly effective. I can see no reason why it should not be as effective for the proposed study.

Source: Memorandum on "Discussions with Professor Lazarsfeld on the Study of Discontinuing Smokers," from W.L. Dunn to H. Wakeham—August 1, 1969.

**Fall 1969.**—Philip Morris researchers brief the Philip Morris Board of Directors on why people smoke. The researchers tell the Board that a smoker begins to smoke at age 16 "to enhance his image in the eyes of his peers." This psychosocial motive, however, is not enough to explain continued smoking. The researchers tell the board that people continue to smoke to obtain "the pharmacological effect of smoke."

According to the researchers, the smoker's desire for this pharmacological effect is so strong that it "preempts food in times of scarcity on the smoker's priority list."

Specifically, the researchers tell the Board:

We are beginning to concentrate on the smoker himself. We are addressing the question, "Why do people smoke." . . .

First, we have to break the question into its two parts: No. 1, Why does one begin to smoke? and No. 2, Why does one continue to smoke?

There is general agreement on the answer to the first part. The 16 to 20 year-old begins smoking for psychosocial reasons. The act of smoking is symbolic: it signifies adulthood, he smokes to enhance his image in the eyes of his peers.

But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigarette will even preempt food in times of scarcity on the smoker's priority list. The questions is "why?" . . .

We are of the conviction . . . that the ultimate explanation for the perpetuated cigarette habit resides in the pharmacological effect of smoke upon the body of the smoker, the effect being most rewarding to the individual under stress.

Source: "Ryan/Dunn Alternate—Third Version of Board Presentation"—fall 1969, delivered with only minor changes.

**December 1969.**—Philip Morris commences the first of several series of studies of smoking by college students. The first series is called "Shock I, II, III, IV, and V." In these studies, college students are given electric shocks to promote anxiety. The purpose of the studies is "to show that cigarette smoking is more probable in stress situations than in nonstress situations." According to the researchers:

Shock intensity will be adjusted for each subject according to the subject's pain threshold. The shock will be painful.

The Shock studies run for three years. In October 1972, the scientists are finally forced to abandon the research because "fear of shock is scaring away some of our more valuable subjects."

Source: Memorandum on "Proposed Research Project: Smoking and Anxiety," from F.J. Ryan to W.L. Dunn—Dec. 23, 1969; Frank Ryan, "Shock I, II, III, and IV," in Consumer Psychology Monthly Report—Sept. 16 to Oct. 15, 1971; Frank Ryan, "Shock V," in Consumer Psychology Monthly Report—Jan. 15 to Feb. 15, 1972; P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Oct. 5, 1972.

**September 1970.**—Philip Morris develops a five-year plan for the Smoker Psychology Program. Two of the research goals are first, to determine whether "the smoking habit can be sustained in the absence of nicotine" and second, to "elucidate the role of nicotine as a factor in determining cigarette acceptability."



Source: P.A. Eichorn and W.L. Dunn, "Five-Year Objectives and Plans for Project 1600"—Sept. 25, 1970.

*November 1971.*—Philip Morris continues its study of smoking by college students in a project titled "Desire to Smoke." In this study, "all available college students will fill out a questionnaire rating their desire to smoke" so that Philip Morris can "compare the rated desire to smoke with our existing personality profiles."

Source: Frank Ryan, "Desire to Smoke," in *Consumer Psychology Monthly Report*—Oct. 16 to Nov. 15, 1971.

*January 1973.*—Philip Morris commences three studies to determine "what effect, if any, smoking has upon the magnitude of shifts in arousal level, with heart rate being used as the index of this psycho-physiological state."

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Jan. 5, 1973.

*February 1973.*—Philip Morris begins a study of the effect of smoking on "alpha brain wave dominance"—that is, the effect of smoking on the electrical activity of the brain. The researchers involved in the study state:

Alpha brain wave dominance is associated with states of tranquility and meditation. . . . As part of our continuing search for the motivationally relevant effects of smoking, we are investigating the influence of smoking upon the rate of acquisition of alpha wave control.

Source: W.L. Dunn, "Smoking and Rate of Learning Alpha Control," in *Smoker Psychology Monthly Report*—Jan. 1 to Jan. 31, 1973.

*June 1974.*—Philip Morris commences a four-year study of smoking by "hyperkinetic" children to determine if they will "discover the advantage of self-stimulation via nicotine" and "become cigarette smokers in their teenage years."

In June 1974, the researchers conducting the study write:

It has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down. Many children are therefore regularly administered amphetamines throughout grade school years. . . . We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children in the third grade. . . . It would be good to show that smoking is an advantage to at least one subgroup of the population.

In March 1975, the researchers describe their intention to increase the size of the study of "hyperkinesis as a precursor to smoking" to 60,000 children:

The size of our prospective study should be increased to the base of about 60,000 children when a local school system extends its student evaluation three more grades this spring.

In July 1975, the researchers report the status of their investigation of the "hyperkinetic child as a prospective

smoker" to Helmut Wakeham, the vice president of research and development at Philip Morris, and other Philip Morris officials. Specifically, they tell the Philip Morris vice president:

We hypothesize that the characteristics of smokers and hyperkinetic children so closely resemble each other that in the past hyperkinetics were almost sure to become smokers. . . . We have undertaken a long term prospective study to identify the hyperkinetic and borderline hyperkinetic youngsters in Chesterfield County school system, and to see whether they become smokers. All the children in one grade level were tested last year.

In May 1977, Philip Morris continues its investigation into the smoking habits of hyperactive children by initiating two prospective studies with pediatricians treating hyperactive children. In these studies, Philip Morris will track the hyperactive children and a group of controls to see whether they have become smokers. Philip Morris will then "help our colleagues find the variables which account for drug-response and non-response."

Finally, the study of hyperkinetic children stops in March 1978, due to objections from school systems and physicians. The researchers write:

Obstacles presented by school systems and physicians concerned with the various "privacy acts" passed by state and national legislatures have made it very difficult for us to conduct studies using school and medical records of minors.

Source: F.J. Ryan, "Relationship between Smoking and Personality," in *Smoker Psychology Monthly Report*—June 10, 1974; Frank Ryan, "Hyperkinesis as a Precursor of Smoking," in *Smoker Psychology Monthly Report*—Mar. 10, 1975; "Behavioral Research Annual Report," approved by W.L. Dunn and distributed to H. Wakeham et al.—July 18, 1975; F.J. Ryan, "Hyperactivity," in *Smoker Psychology Monthly Report*—May 13, 1977; F.J. Ryan, "Hyperkinetic Children," in *Smoker Psychology Monthly Report*—Mar. 10, 1978.

*November 1, 1974.*—Philip Morris' director of research, Thomas Osdene, who later becomes vice president for science and technology, approves and sends an annual report on behavioral research to the vice president for research and development, Helmut Wakeham. The report shows that by 1974, top company officials plainly consider cigarettes to be a drug. The report analogizes smoking to drug use, stating "dose control continues even after the puff of smoke is drawn into the mouth"; it asserts that a person smokes "to achieve his habitual quota of the pharmacologically active components of smoke"; and it hypothesizes that stopping smoking produces "reactions . . . not unlike those to be observed upon withdrawal from any number of habituating pharmacological agents."

The report also summarizes the status of a number of Philip Morris studies, including a study of smoker compensation when nicotine levels in cigarettes are reduced. Compensation stud-

ies, which are repeatedly discussed in the documents, assess the attempt of smokers to increase their nicotine intake through smoking more cigarettes or taking longer puffs.

Source: "Behavioral Research Annual Report, Part II," approved by T.S. Osdene and distributed to H. Wakeham et al.—Nov. 1, 1974.

*December 1974.*—A Philip Morris document discusses the company's nicotine research program in Neuchatel, Switzerland. This is the only document describing these secret activities. The Switzerland researchers, who were also heavily involved in nicotine research, report that a "compensation mechanism seems to be in operation for a proportion of the consumer population to adjust the nicotine yield to their needs or liking."

Source: Gustafson and Haisch, "PME Research: 1972-74."

*March 1975.*—Philip Morris continues its study of smoking by college students by examining whether smoking by college students increases following a 2-hour deprivation period. Preliminary data suggest that students compensate for deprivation by smoking more and taking more puffs.

Source: Quarterly Report Memorandum, from W.L. Dunn to T.S. Osdene—Mar. 25, 1975.

*July 1975.*—Philip Morris commences its first study of "the black menthol smoker." The researchers explain:

The black menthol smoker is an important segment of the menthol market, yet all of the PM national field tests of menthol cigarettes have been conducted with virtually all white panels. What with some 500 black menthol smokers having become available with the advent of the RP3 panel, the opportunity was afforded to study the black response to menthol cigarettes.

Source: "Behavioral Research Annual Report," approved by W.L. Dunn and distributed to H. Wakeham et al.—July 18, 1975.

*September 1975.*—Philip Morris scientist W.L. Dunn describes smokers' abilities to compensate for reduced nicotine in cigarettes as "dose-regulating mechanisms of remarkable precision and sensitivity." He explains in detail how a smoker could compensate for a 15 percent reduction in nicotine in Marlboro cigarettes by "more efficient extraction of the goodies." He writes:

To accommodate to the 15% reduction in available Marlboro nicotine, the smoker who was getting 50% of the available nicotine over into his blood from the Marlboro . . . now must get 59% of what the current Marlboro offers him. He can take bigger puffs, or inhale more from the supply drawn into the mouth . . . or for more efficient extraction of the goodies, he can draw it deeper or hold it in longer.

Source: Letter from W.L. Dunn to Stanley Schachter (Sept. 8, 1975).

*February 1976.*—Philip Morris continues its study of smoking by college students by attempting to identify "nicotine regulators" among college students. A major goal of the study is to determine if Philip Morris can "force" students who are given low-nicotine

cigarettes "to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose." Nicotine regulators are described by Philip Morris in the documents as smokers who compensate for nicotine deprivation by increasing their intake of nicotine.

Source: Carolyn Levy, "Regulator Identification Program," in *Smoker Psychology Monthly Report*—Feb. 10, 1976.

*June 1976.*—Philip Morris researchers discuss "why people start to smoke." They summarize the data indicating that most smokers begin to smoke between 10 and 18 years old. They then state that one of the reasons for continued smoking is that cigarettes serve "as a narcotic, tranquilizer, or sedative."

Source: Memorandum on "Why People Start to Smoke," from A. Udow to J.J. Morgan—June 2, 1976.

*December 1976.*—Philip Morris scientists report a "consensus of investigators" that "the reinforcement of the smoking act is the effect of smoke component action in the central nervous system." They propose setting up an electroencephalographic or "EEG" laboratory "to seek an ultimate explanation of cigarette smoking among the nicotine or smoke-component-related events of the central nervous system." The new EEG equipment would enable Philip Morris to monitor the brain waves of smokers.

Source: Memorandum on "Rationale for Investigating the Effects of Smoking Upon Electroencephalographic Phenomena," from W.L. Dunn to T.S. Osdene—Dec. 22, 1976.

*November 1977.*—Philip Morris continues its study of smoking by college students. In a new experiment, Philip Morris attempts to distinguish students who smoke out of "habit" from those who smoke out of "need." The researchers explain:

Although nicotine intake appears a critical mainstay of tobacco consumption, not all people smoke for nicotine on all occasions. . . . All . . . cigarettes contribute to the total nicotine in the system, so that a cigarette smoked out of habit will delay the time until a cigarette is smoked out of need.

Source: F.J. Ryan, "Habit and Need Cigarettes," in *Smoker Psychology Monthly Report*—Nov. 11, 1977.

*December 1977.*—Philip Morris researchers report to the Director of Research their view that "nicotine compensation is a real phenomenon" and that "some people smoke for nicotine and \* \* \* try to obtain a relatively constant amount of nicotine from their cigarettes."

The report also states that Philip Morris has "effected an arrangement with a university affiliated hospital for injecting nicotine in humans for discrimination studies." FDA approval is required before conducting nicotine injections, but in this case and the other instances of human injection mentioned in the documents, no such approval apparently was.

Source: Memorandum on "Behavioral Research Accomplishments—1977," from W.L. Dunn to T.S. Osdene—Dec. 19, 1977.

*March 1978.*—Philip Morris launches its "nicotine program." The program is to involve central nervous system ("CNS") behavioral testing, studies of the "molecular basis of nicotine pharmacology," and "nicotine analogue preparation."

On March 15, 1978, the Philip Morris researchers involved in the program write:

An effective nicotine program must include both peripheral and CNS bioassay. . . . It is clear that CNS studies represent the most complex, state-of-the-art concepts. Ultimately, the isolation and characterization of the nicotine CNS receptors are the major goal. Many steps must come first. These include (1) pharmacological location of sites of nicotinic action using both cannulae and various tissue sections; (2) measurement of electrochemical activity following drug administration; (3) various techniques including photoaffinity labeling and binding studies as aids a receptor isolation (4) receptor identification and characterization.

On March 31, 1978, they elaborate further, describing "CNS behavioral testing" that is "needed in the immediate future":

Nicotine discrimination, self-administration and tolerance studies will enable us to examine the cuing and reinforcing properties of nicotine and nicotine analogues in rats. These are state-of-the-art bioassays for central nervous system activity which we believe will serve as useful models of human smoking behavior.

These CNS studies are significant because they are the same studies used by the National Institute on Drug Abuse to determine the addiction potential of a drug. A substance that a self-administered and reinforcing has addiction potential because it induces repeated and compulsive use.

The researchers also propose conducting studies into the "molecular basis of nicotine pharmacology," because "we must begin to gain expertise in experimentation dealing with nicotine receptor technology." Nicotine receptors are the structures in the brain to which nicotine attaches after entering the blood stream.

Source: Memorandum on "Nicotine Program," from J.I. Seeman to T.S. Osdene—Mar. 15, 1978; Memorandum on "Nicotine Program: Specific Implementation," from J.I. Seeman et al. to T.S. Osdene—Mar. 31, 1978.

*September 1978.*—Philip Morris develops a new five-year plan for research and development. A major component of the plan is the nicotine analog program, which is based on the recognition that "nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer."

Specifically, the plan states:

Nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer. Therefore, we are studying the differences in physiological effects between nicotine and its analogues to

determine the mode of nicotinic action. If acquired, this knowledge may lead to a substance which will produce the known desirable nicotinic effects and greatly diminish any physiological effects of no benefit to the consumer.

Source: Philip Morris, USA, "Research and Development Five Year Plan, 1979-1983"—Sept. 1978.

*December 1978.*—Philip Morris presents its objectives for the Behavioral Research Laboratory for 1979. The objectives are significant for two reasons:

First, they describe intense research activity, involving over 15 different investigations, into nicotine pharmacology.

Second, they link the laboratory's nicotine research to the development of "new and improved smoking products" that capitalize on the research.

The Philip Morris researchers state their overall objective as follows:

All of the effort of the Behavioral Research Laboratory is aimed at achieving this objective: To understand the psychological reward the smoker gets from smoking, to understand the psychophysiology underlying this reward, and to relate this reward to the constituents in smoke.

The researchers explain that to achieve this objective, three general lines of research will be pursued:

1. The effects of nicotine and nicotine-like compounds on animal behavior.
2. The effects of smoke and smoke constituents upon the electrical activity in the human brain.
3. The effects of changes in smoke composition upon puffing behavior, inhalation behavior and descriptive statements by the smoker.

The "rationale for the program" is its potential commercial application. Specifically, the researchers state:

The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

The researchers then describe six studies being conducted by the animal behavior group—"nicotine discrimination," "tail flick," "monitoring of motor activity," "prostration syndrome," "nicotine self-administration," and "rat EEG"; five studies being conducted by a new neuropsychology laboratory set up "to understand the interrelations between cigarette smoking and the human brain"—"effects of smoking on visually evoked response," "search for other evoked responses," "effects of smoking on the electroencephalogram," "long-term deprivation and the electrical activity of the brain," and "comparison of three routes of nicotine administration"; and five studies being conducted by the smoking behavior group—nicotine detection, masking of nicotine, nicotine's affect on cigarette acceptability, behavioral consequences of low-nicotine cigarettes, and "mouthfeel" factors.

Three of the studies are especially noteworthy. First, the study comparing three routes of nicotine administration is significant because it again involved "intravenous injection" of

human subjects with nicotine as one of the routes of administration. The other two routes of exposure were inhalation and ingestion. The study was designed to "answer several important questions," including "what is the relationship between blood nicotine levels and CNS activity"; "how soon following a given method of nicotine administration are effects seen in the CNS and for how long"; and "how are the human studies employing cigarette smoking similar to or different from animal studies employing nicotine injection."

Second, the study of long-term deprivation and the electrical activity of the brain is important because it involved measuring the brain waves of quitters to learn whether "brains change in some fashion following the experience with tobacco." According to the researchers, this study was undertaken because "in terms of the electrical activity of the brain, there can be little doubt that smokers and non-smokers are very different."

Third, the study of the behavioral consequences of smoking low-nicotine cigarettes is significant because it involved designing special cigarettes "at or near the nicotine need threshold." As the researchers explained:

The low nicotine delivery will ensure that total nicotine in the system remains at or near the nicotine need threshold, thus maximizing the proportion of day's cigarette consumption which is smoked out of need. . . . The results may shed light on the manner by which nicotine control is achieved.

Source: Memorandum on "Plans and Objectives—1979," from W.L. Dunn to T.S. Osdene—Dec. 6, 1978.

*January 7, 1980.*—Philip Morris describes its objectives for the behavioral research laboratory for 1980. Many of the objectives are a continuation of the 1979 objectives. The Philip Morris researchers make several statements that again underscore the company's knowledge of nicotine's addictiveness.

The Philip Morris researchers state that "our theorizing on the role of nicotine suggests that cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level." The researchers also state their view that smokers will experience withdrawal syndrome and evidence of nicotine dependence upon being given ultra-low-nicotine cigarettes.

In one noteworthy study, the researchers propose to use a place preference paradigm used to study morphine to study nicotine. Specifically, they state:

Mucha and Van der Kooy (1979) have reported that a place preference paradigm may be used to demonstrate the rewarding properties of morphine. We plan to use a similar paradigm to examine the rewarding properties of nicotine.

A second important study described in the report involves the effect to develop an assay for measuring the nicotine level in saliva. This assay would be used to confirm that "cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level."

Source: Memorandum on "Plans and Objectives—1980," from W.L. Dunn to T.S. Osdene—Jan. 7, 1980.

*January 15, 1980.*—Philip Morris describes its objectives for the Biochemistry Division for 1980 in a report from the director of research, Thomas Osdene, to the vice president for research and development, Robert Seligman. As in earlier reports, the objectives for this division include a heavy emphasis on nicotine.

Specifically, the report states that the objectives include:

1. To develop a fundamental understanding of the mechanisms by which nicotine and other tobacco alkaloids interact with the peripheral and central nervous system.

2. To determine if nicotine analogues can be designed which exhibit differential activity at different receptors. . . .

5. To perform . . . pharmacological testing of nicotine and its analogues.

Source: T.S. Osdene, "Plans and Objectives for 1980," distributed to R. Seligman et al.—Jan. 15, 1980.

*March 1980.*—Philip Morris's vice president for research and development, Robert Seligman, sends a memo to Philip Morris scientists soliciting their views on the value of continuing Philip Morris's support for the nicotine analog research being conducted by Dr. Leo Abood at the University of Rochester.

The researchers respond that the program should be continued. One researcher, Jim Charles, justifies support by explaining that "nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as 'the reason for smoking.'" Charles subsequently became the director of research at Philip Morris and later vice president for research and development.

Specifically, Charles states:

Nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke. Nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as "the reason for smoking." . . . Nicotine is known to have effects on the central and peripheral nervous system as well as influencing memory, learning, pain perception, response to stress and level of arousal.

Our ability to ascertain the structural features of the nicotine molecule which are responsible for its various pharmacological properties can lead to the design of compounds with enhanced desirable properties (central nervous system effects) and minimized suspect properties (peripheral nervous system effects). There are many opportunities for acquiring proprietary compounds which can serve as a firm foundation for new and innovative products in the future.

A second researcher refers to related work being conducted by Philip Morris in Germany, stating "for several years, we have been receiving data on peripheral screening of our nicotine analogues from Germany." According to the researcher, the work from Cologne, Germany, has been of the highest calibre.

Source: Memorandum on "Nicotine Receptor Program—University of

Rochester," from R.B. Seligman to T.S. Osdene et al.—Mar. 5, 1980; Memorandum on "Nicotine Receptor Program—University of Rochester," from J.L. Charles to R.B. Seligman—Mar. 18, 1980; Memorandum on "Nicotine Receptor Program—University of Rochester," from E.B. Sanders to R.B. Seligman—Mar. 21, 1980.

*November 1980.*—Philip Morris describes its research objectives for the behavioral research program for 1981. The objectives again confirm the company's extensive interest in the pharmacological effects of nicotine.

The report describes the goals of the electrophysiology program as follows:

It is our belief that the reinforcing properties of cigarette smoking are directly related to the effects that smoking has on electrical and chemical events within the central nervous system. Therefore, the goals of the electrophysiology program are to: (I) Determine how cigarette smoking affects the electrical activity of the brain, and (II) Identify, as far as possible, the neural elements which mediate cigarette smoking's reinforcing actions.

The report describes the goals of a new behavioral pharmacology program as follows:

Objectives: I. To develop a better understanding of the behavioral pharmacological actions of nicotine, particularly the action which reinforces smoking behavior. II. Develop the empirical evidence which differentiates nicotine from classical abuse substances. III. Use behavioral pharmacology methods for evaluating the nicotine-likeness of nicotine analogues.

The report describes the goals of the experimental psychology program as follows:

Objectives: 1. To gain a better understanding of the role of nicotine in smoking. 2. To study basic dimensions of the cigarette as they relate to cigarette acceptability.

Two individual studies described in the report are especially important. First, the report states that Philip Morris succeeded in developing a technique for inducing rats to self-administer nicotine. This is significant because self-administration is a hallmark characteristic of an addictive drug. Independent scientists, who were not informed of this secret Philip Morris research, did not demonstrate nicotine self-administration in the laboratory until 1989, nearly a decade after Philip Morris.

Second, the report describes a third planned experiment involving injecting nicotine into human subjects. The report states:

There are tentative plans for one other project in which nicotine will be delivered intravenously in different sized spikes of different duration, to yield a broader picture of the role of the spike, the level, and the reinforcement characteristics of the substance. The execution of this project . . . involves the dosing of numerous subjects with nicotine.

Source: Memorandum on "Plans and Objectives—1981," from W.L. Dunn to T.S. Osdene—Nov. 26, 1980.

#### SUBSEQUENT RESEARCH

What happened in the Philip Morris research laboratories after November 1980?

On April 28, 1994, two Philip Morris researchers, Victor DeNoble and Paul Mele, appeared before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce, to testify about their research at Philip Morris from 1980 to 1984. They described how they used experimental techniques developed by the National Institute on Drug Abuse [NIDA] to determine the addiction potential of nicotine.

DeNoble and Mele's experiments primarily involved nicotine self-administration studies in rats. As described above, they found that rats would self-administer nicotine—one of the hallmark characteristics of an addictive drug.

DeNoble and Mele's work held great interest to top Philip Morris executives. According to their testimony, in mid-1983 they were flown to New York to brief senior management on their work. Then in November 1983, the President of Philip Morris, Shep Pollack, flew to Richmond to observe rats injecting nicotine in one of DeNoble and Mele's self-administration experiments. At that time, Pollack was informed by DeNoble that the procedures he observed were "the exact procedures NIDA would use to demonstrate abuse liability."

Despite Philip Morris's interest in their work, DeNoble and Mele were abruptly terminated in April 1984, due to concerns that their findings could bolster product liability claims against Philip Morris. Subsequently, Philip Morris threatened the two researchers with litigation if they disclosed their research activities in journals or at public forums.

DeNoble and Mele were involved in only one part of Philip Morris's intensive investigation of nicotine—the rat experimentation. Virtually nothing is known about what happened to the many other Philip Morris research initiatives after 1980.

#### CONCLUSION

The documents I have just read make it clear that Philip Morris is in the drug business. Its laboratories have been intensively involved in unlocking the secrets of nicotine pharmacology for decades. The documents themselves state that this pharmacological research was undertaken for commercial purposes.

The documents also indicate that this research was in important instances targeted specifically at children and college students.

In summary, these documents make it crystal clear that we need regulation of tobacco to protect our children from becoming addicted to a life-threatening drug.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour. Pursuant to my earlier unanimous consent request, I am inserting the documents in the RECORD for publication.

[Documents referred to will appear in a future issue of the RECORD.]

□ 1315

#### SALUTE TO POLICE OFFICERS IN AUSTIN, TX

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized until 2 p.m.

Mr. DOGGETT. Mr. Speaker, thank heavens there are young men and women across this country who are willing to dedicate their lives to protecting the rest of us, who help to secure us in our neighborhoods and our homes, who protect us against crime and violence and crimes of property.

I particularly want to salute and recognize some of the young men and women, and I have actually brought pictures of them here today, who joined the men and women in blue last Friday night in Austin, TX.

You will see each of them is actually in a tan or khaki uniform because these are their cadet pictures, and on Friday night, they graduated from being cadets in the Austin Police Department to serving now and are today, as I speak, many of them are out patrolling the streets and the sidewalks of the city of Austin, TX, assuring that the good citizens of our community can go about their lives and their livelihoods without the threat of violent crime.

Today in this House and throughout this week we are going to have an opportunity to back up these young men and women who are out there patrolling our streets or to abandon our commitment to them. And it is the concept of community policing and the important vote that this House will take this week when it takes under consideration the appropriations bill for the COPS Program that I wanted to address this afternoon.

You see, this particular class of young men and women is the largest class that we have had in Austin, TX, for some time, because it includes some 63 young men and women who have dedicated themselves to the protection of their neighbors there in central Texas, and the only reason that the class can include 63 cadets, now 63 new law enforcement officers in Austin, TX, is because of the backup of the Federal Government.

Of course, law enforcement must always be principally a local responsibility, and we are fortunate in Austin, TX, to have one of the finest law enforcement agencies in this entire country under the command of our chief of police, Elizabeth Watson.

In order to back up that strong local initiative, in recognizing our local communities are many times strapped for tax resources, the Federal Government can provide some support, not only through an occasional speech on the floor of the Congress or from the White House but actually by putting dollars where the Federal mouth is, and in this case something was done right by this Federal Government and something was done right on the floor

of this House last September when a new crime offensive was approved by the House, over tremendous opposition, and that bill was signed into law, and within little more than a month of the time that that bill became law late last October, the city of Austin learned that it could go out and would have the Federal support, the Federal moneys that 25 of these 63 young men and women would be paid for through Federal tax dollars through the COPS Program.

We have had a real interest in Austin, TX, in community policing because we realize that getting our law enforcement officers into the community, knowing the people in the neighborhoods, backing up Neighborhood Watch, backing up crime stoppers, using every tool available to involve law enforcement officers with the neighborhoods in doing effective community policing was the best way to do something about the rising tide of crime that we had faced in Austin, TX.

So within a month of Congress acting, little more than a month, the city of Austin, like communities across this great land, learned that there would be Federal dollars to back up local efforts and to add new cadets to the training course. Come January of this year, our cadets began a very rigorous training that is done right there in Travis County, TX.

Last Friday night they completed that training and are now out serving.

But what an unusual coincidence, I must say, it is this week, just as these cadets hit the street and began protecting our citizenry, that we are faced with a critical vote that will probably come up tomorrow night or Wednesday morning in the Justice Department appropriations, and if that bill is approved in the form that is recommended to this House for action, we will yield in our support to these young men and women. We will be saying to communities across the country that the commitment to add 100,000 new law enforcement officers to our Nation's streets is a commitment that this Congress does not intend to fulfill.

I think that would be a serious mistake. That is why I want to draw attention to that appropriations bill this afternoon and particularly to an amendment that I believe will be offered by our colleague from West Virginia [Mr. MOLLOHAN], to restore support for the same program that has added these young men and women to our streets.

It is ironic that a group of people, our Republican colleagues who refer to themselves frequently at campaign time as law and order supporters, would be withdrawing support from the very program that put these people on the street.

You see, the administration backed the initiative here in Congress and signed it into law to get 100,000 new police officers on the street. But the bill that passed this Congress earlier in the year and the appropriations measure,

instead of backing up our law enforcement officers, takes away the commitment of 100,000 new police and substitutes something that I guess you would have to call a blob grant because no longer do we stand by our commitment of 100,000 new officers. Rather, we say we are going to transfer to the States and localities a blob of Federal money that can be used for a variety of things.

Under the legislation passed, and as it would be funded as an alternative to actually putting law enforcement officers on the street, is an incredible amount of new bureaucracy. In this particular case, the reason the city of Austin was able to move so fast as communities across our country have done so is because all it had to do is file a simple application. It did not have to go through the bureaucracy of the State of Texas and get that bureaucracy involved in evaluating its application. It could come directly to the source of the money, and I know that that has been true in other States.

I see the gentlewoman from Colorado. I am sure you have had that experience in Colorado.

I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Not only have we had that experience, no one can believe it is a one-page form. I mean it is a one-page form which is historic, I think, in this Federal bureaucracy that we have, and I find that my city of Denver has had the same experience yours has had.

We, first of all, feel very lucky that we live in the country where people call the police and call the police with great trust and, in fact, want more police because they feel the more police that are around, the safer the streets are going to be. You and I could stand here and name a lot of other countries where the last thing you might want to do is call the police. But here they call the police. They want the police.

In my city of Denver, having police on the beat, having police on the street, having police in the neighborhoods has just been a very exciting program and has truly remarkably reduced crime in 1 year. We saw it go down over 7 percent in 1 year.

It used to be every year we sat around waiting for those statistics to come out, wringing our hands, thinking how much worse is it going to get this year. But with these new police officers that we got funded, we are beginning to see a turnaround. We want it to go lower, of course. Of course, we do.

But I think what the gentleman is talking about is if we create this whole new tier of bureaucracy, if we go back to business as usual with the big complex form or if we allow the State to control the funds, we are not going to have this direct action, this fast action, this rapid action to get help to the cities, and they are the ones that are on the front line in most of this.

Mr. DOGGETT. I really appreciate the gentlewoman's observation because

while I focused, naturally, on my community in central Texas, this is really just an example of what has been happening throughout this country.

As you know, I am new here to Washington. I think it is truly amazing from the time that you and others provided the leadership in this Congress to pass this bill and then it got signed, over this tremendous objection that you had, so many roadblocks and obstacles thrown up by what was at that time a Republican minority, the President signed the bill in September. By late October, cities across the country know they will have money coming, and here, 10 months later, we have across the country almost 3,000 new officers that are on the street. That is a Federal bureaucracy that was actually working the way it is supposed to: lean. It gets its office set up, gets any regulations it needs set up, and you actually have under the program that Austin and Denver benefited from, already 3,000 new officers; and in our smaller cities of under 100,000 there are almost 5,000 new officers under the COPS Ahead program; and still under another program of the COPS Fast program, which, I believe, is the one actually targeted at the smallest communities, there are about 7,000 officers that have come on there.

So that is the Federal Government for once operating the way it is supposed to do: getting a program started and actually getting the officers on the beat.

□ 1330

Mrs. SCHROEDER. Mr. Speaker, if the gentleman would yield further, in my locality we were very fortunate also in that we are one of four areas in the country where they have experimented with something called Project Pat. As my colleague knows, Attorney General Reno had been a local law enforcement officer, so she understands these layers of bureaucracy, and, when my district kind of exploded in crime, she was very sympathetic and said, "Let me try and get the State, the Federal Government, and the city government in the same room, and let them be planning from all agencies, all agencies of all levels, to make sure there isn't duplication, that they can respond rapidly, and they can really get funds out quickly to wherever there appears to be a problem," and, believe me, that has worked tremendously, too. We had a very quiet summer in Denver because of that type of response, whereas the summer before had been a great tragic one of day after day no one wanting to watch the news because if it bleeds, it leads, and there was a whole lot of bleeding, and it was almost the entire news hour.

So what I think the gentleman from Texas [Mr. DOGGETT] is worried about and what I am worried about is what we are apt to see when we take up this appropriations bill is really undoing the ability of the Federal Government to do that, that they are going to

strike these funds, take away the sugar, and take away the ability to come forward with this very distinguished new group that you are so proud of. This is the new group that just graduated in Austin.

Mr. DOGGETT. This is just Friday night, and ironically they will begin their service this week on the very week that our Republican colleagues proposed to just pull away this entire commitment to 100,000 new police officers across the street. Twenty-five of these young men and women were funded through Federal dollars, and you know you have raised, as you so often do here on the floor of Congress, a very important point in referring to Attorney General Janet Reno and her experience in law enforcement because when I have talked, not just to these young men and women, but to our existing Austin Police Department officers, to law enforcement organizations around the country, I do not find any law enforcement experts coming forward and saying, "Junk this program that is actually providing us support."

Rather I find them agreeing with our chief of police in Austin, Elizabeth Watson, and I know the gentlewoman will be pleased to know that our leader in the law enforcement office in Austin is a woman who is doing an outstanding job in law enforcement. She said that these neighborhood enforcement teams that have been packed up with Federal dollars will really make a difference, and she is saying the same thing I am sure you hear in Denver, that I have heard from the various law enforcement organizations that have come before the committee on which you serve that have come here for press conferences here at the Capitol saying, "Please continue to lend us the support; this program works," but for some unfortunate partisan political reasons, just as this program begins to get the law enforcement officers on the street, our Republican colleagues want to jerk the rug out from under this program.

Mrs. SCHROEDER. Well, if the gentleman would yield, I think that is exactly what is happening, and unfortunately I hope by the end of the week what we are worried about has not come true.

But my police chief, David Rochard, is wonderful. He is very distinguished. He is in the National Cities or the Great Cities Police Chiefs League. I met with him a couple of weeks ago, and he was very distressed. He said this is the first group, meaning the new leadership in this Congress, that would not meet with the chiefs from the large cities in America. They have been banging on the door. Usually they say everybody is trying to get a hold of the police chiefs, and I would think you would want to talk to the police chiefs first. They are on the front line, they are the ones having to deal with this rising crime, and, if we are going to try to do something for them, we ought to ask them what would work the best,

and, as he said during the crime bill, they were consulted constantly by the administration and by the then majority in Congress. But they have not been able to break through the door and get into to see anyone here. Not only have they not been asked, they cannot get in when they ask to get in.

He also was very upset; as my colleague knows, last week we saw this body cut back severely the funds that were to go for the violence against women, and again America's police chiefs have been saying young people are learning violence in a classroom, in their living room. They are learning it right at home, and they need that violence against women money to put in the hot line, to have more shelters, to do training of judges and police officers as to how to treat this and to get at that. Well, of course, that got gutted last week, and if this week you go after the police officers that we are now getting out on the street, we used ours through community policing, and I assume, I am not sure that is what Austin is—

Mr. DOGGETT. Indeed we do, and you make such a vital point about the Violence Against Women Act portion of this. If I understand this same bill, it essentially eliminated all of the funding for the excellent work that you and your colleagues did last year in establishing a violence against women portion, a tremendous portion and a tremendous advance in this same piece of legislation, and about the only thing they left in the appropriation was the hotline for women who are abused and are the victims of violence to call in, and so the question that we have here today is whether, when they call in, there will be a law enforcement officer there to meet their calls along with the counselors, and our battered-women centers, and groups that work against violence, but will there be a law enforcement officer, or will all of the support for Federal support for law enforcement officers be pulled away and denied to communities across this country to support women who are the victims of violence and people across our society that suffer from either physical violence or crimes of property.

Mrs. SCHROEDER. Well, if the gentleman would further yield, I am so glad you stood up and are talking about this.

You were not here in the last term, but in the last term the Violence Against Women Act passed 411 to zero, 411 to zero. Now it is hard to get a larger mandate than that, even though the crime bill was a lot closer, but 411 to zero, and 1 year later the new majority feels perfectly able to go in and gut it even though many of them voted for it, and I think you are going to find exactly the same thing with police officers.

Show me a person who would not like to have more police officers in their neighborhood. They would. And we had a long 2-year dialog about this with At-

torney General Reno, with police chiefs and everybody. They said this is now the money could be used the best. So we got going, we fast-forwarded, we made the form simple, and we did have some moderate Republicans join us. That is how we got the bill out of here finally. We were all excited, and now they have done to that—or they appear to be going to do to that what they did to the Violence Against Women Act last week, so I am so pleased that the gentleman is down here pointing this out.

Let us hope, if anyone is watching, it will be, Wake up America; no one is really safe. You think everyone is against crime, but they may not be for funding anything or really helping communities trying to fight crime.

Mr. DOGGETT. I thank the gentleman for that observation and would add one other aspect of this, that seeing our colleague from California [Mr. MILLER] here, I know it is particularly important in California, but it is important in San Antonio, TX, as well, and that is that under this cops program one of the programs that is very important is the Troops to Cops Program. That is taking people who are leaving our military, who have obtained training in security as military police and other aspects of the military and channeling their skills into law enforcement and particularly in parts of our country that have had recent base closings. I would think there would be particular support for this Troops to Cops Program, and what an extraordinarily ill-timed initiative by our Republican colleagues to come in and gut this cops program at the very time that it could turn to those who will be leaving some of our military bases and help them get on the streets to make our—they have done a great job in protecting our national security, but now they can help us with our neighborhood security.

I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I want to thank the gentleman for taking this time to call attention to the concerns we have about the appropriations bills that come to the floor and the reduction of the cops portion of that bill.

I represent two communities in my district that were among—had among the highest crime rates in California, and unfortunately one of them had among the highest homicide rates in the State of California. But of those communities qualified for Federal moneys to expand their police forces, to expand the cops on the beat or to participate in the Cops on the Beat Program. Both of them used it for the purposes of community policing, along with the sheriff's agency in one of the countries that I represent, but in these two communities I have traveled with the police during the day, talked to the officers on the beat, and seen a remarkable, remarkable change in attitude as this money has allowed the police de-

partments to expand into the communities.

In one case in Vallejo, CA, they have used them for a bicycle patrol within the commercial districts, and helping out the transit districts as large numbers of young people get out of school during a particular time during the day, and also used them for evening drug patrols, and drug activity has plummeted, the homicide rate is down considerably. They have been able to literally ride down and capture more individuals engaged in drug-related activity because they have been able to move along the railroad tracks, over hill, over dale, and also, as they point out, to very often surprise drug deals because they are just not cognizant that these bicycles coming down the road are police officers. In Richmond, CA, they have used the officers on the beat again to make it safer for retail businesses to have people shop on foot, to come back downtown, to participate in the community. They have used it to patrol the housing projects, again bringing about a reduction in criminal activity. They have also related very strongly that they have—this money and this cops program has allowed them to spend additional time with some of the gang-related activities that we have experienced in both of these communities, and in one of the communities we have again seen a reduction in the gang violence.

This summer so far has been much different than the summer a year ago and a year and a half ago, and we hope that we will be able to continue that effort. Of course now the mayors of those cities and the city councils are concerned that either they are going to renege on these contracts for cops on the beat or they will not have the availability to try and reapply should that funding be available beyond the contract period.

We should not, we should not, diminish the success that we have, and we should not yank away these resources from the communities, whether it is in Austin, or in Colorado, in Boulder and Denver, elsewhere where I think we have shared these kind of experiences. The returns are just now starting to come in as these communities have been able to participate in this program, and for the Republicans now, almost what seems like almost spite because of the success of this program, because this program, I think, was successful for the administration, but they thought it up, they executed it, they got the money on the street, that now there is some desire just to whack this money, and it is going to be a terrible blow to the local law enforcement, certainly to community policing in many, many communities that desperately need this money and really do not have the wherewithal to replace it, and I want to commend the gentleman and thank him for taking this time and the gentlewoman from Colorado for participating in this.

Mr. DOGGETT. I appreciate your comments. As you know, one of the really good points about this program is, if you have a community of 100,000 or less, the entire application process is filling out one piece of paper and sending it directly to Washington. And what a contrast, as the gentleman knows, between that effective program and this new block grant program that the Republicans want to substitute. I note particularly, and I think this could have a particularly negative effect in California, that under their block grant program the Governor of the State has not less than 45 days to review and comment on the application. That is not true under existing law. Your cities found out within 45 days of the President signing the law that the money was on the way. I do not know in California if Governor Wilson would even have time to look at the application since he is off and about the country.

Mr. MILLER of California. If the gentleman would yield, yes, we would not want to do that with an absentee Governor like we have now, but more importantly, our communities were able to take their circumstances, their crime rate, their concern about youth gang activities, and in the city of Richmond, the city of Vallejo, that have been suffering under increasing crime rates, they were able to take that situation, make this application, and very quickly determine whether or not they would be qualified for the first- or second-round grants that were made, and the fact of the matter is the money is now in the police department where it belongs, it is not being argued about within the city council over some other kind of way they can sneak out that block-grant money and use it for some other purposes.

□ 1345

It is in the police department, it is being directed at crime, and the results are coming in in terms of a diminishing crime rate in two communities, both Vallejo, CA, and Richmond, CA, that were having a real rough time fighting crime. They do not need the Governor's involvement. They do not need Congress' involvement. What they need is communications between the Justice Department and their own situation and a quick determination of whether or not they qualify or not.

Mrs. SCHROEDER. If the gentleman would yield, that is one of the things my communities have been very excited about. They have never seen such customer service relations as on this. One-page form, goes immediately, you put in a coupon and get an electronic transfer of the funds to your own bank. It is up and going.

I am a little fascinated that if this works so well, and if this is what the police chiefs want, and if it is so tremendously user friendly, why is everybody out to kill it this week?

Mr. DOGGETT. It is really extraordinary. I know the gentlewoman served

on the committee that reviewed some of this legislation. Did the gentlewoman hear any good reason advanced for why a program that is putting young men and women like this on streets across this country, why we should pull the rug out from under that program and say that we need the Pete Wilsons and the George Bushes and the Governors and the State bureaucracies suddenly getting in the way of a program that takes money directly from Washington and puts it onto the streets and sidewalks of our communities across the country?

Mrs. SCHROEDER. Well, if the gentleman will yield, no, I did not hear any good response to that. Obviously, there are certain people who are totally into the punishment mode rather than prevention. I think the American people would much prefer a crime that is prevented.

Now, if it happens, then, yes, they are into punishment. But this was seen more as on the prevention side and they thought that that was soft, warm, fuzzy. I do not think so. I think the American people would much prefer a tough prevention program with cops on the beat and cops on the street. That is what they want to see. We got that, but for those who are still trying to say the Federal Government's role is only in prisons and only after they have been caught, we are in trouble.

I think one of the things we have all found is, first of all, block grants are not going to work well for any of our States, because if your population is growing, the funding is going to be on your old population. So some State is going to get your money where the people have left and moved into your State.

The next thing you are going to see is that people are going to try and knock this out. When cities start getting into trouble with crime, then the city starts getting hurt economically. The more it hurts economically, the less it has of its own money to get more police officers. So this is a way to help them get police officers, get back on their feet economically, and get people not worried about the crime rate and moving back in.

If you take this all away, we are back to where we were. Once communities get on that slippery slope of rising crime, they can be in real trouble and you can end up with an abandoned city.

Mr. MILLER of California. The genesis of this program was this was about putting police officer resources on the street, not about initiating a debate in city councils or boards of supervisors and the State legislature about what to do with a block grant form of money. This was about getting officers on the street to deal with the community.

I would suggest that our Republican colleagues ought to spend some time riding with these officers, walking with these officers, visiting the communities, talking to the merchants who for the first time feel comfortable in their communities because they know

that these officers are around and about.

Many people lament the loss of community, the way it used to be. Well, the way it used to be was the people knew the police officers on the beat. They trusted them, they knew them, they could report activity to them. That, once again, in the communities I represent is returning. When I went around and talked to the merchants in Richmond, when I went around in Vallejo and talked to the merchants, they said yes, now they knew that sometime during the day this officer would be there. They felt free to talk to them. To say gee, there are these groups congregating on the corner, causing trouble, could you do this, look into it, do that. That is how we police our communities.

I think the point was that is what this was directed at. The block grant suggested there is some greater law enforcement decision to be made out there, and that we will let that open debate and let communities do what they wanted. The fact of the matter is what local communities wanted were officers, police personnel, on the streets. If they think this is warm and fuzzy, they ought to talk to the criminals that have been run down by community police officers in the commission of an act of crime and brought to justice. That was not very warm and fuzzy, but they were available, where in the past they have not been.

Mr. DOGGETT. Or as you wisely suggest, to simply ride with, to walk on the beat with, our law enforcement officers. When I have done that, I have had the same experience as the gentleman from California. You talk to the young man or woman who is out there on the beat, standing between us and violent crime, protecting our businesses, protecting our neighborhoods and our families and their dwellings. They are not interested in having to get immersed in city politics. They sure do not want to have to go to the governor and ask if more police is okay. They do not care whether Republicans or Democrats or President Clinton or President somebody else takes credit. They just need help.

What this piece of legislation that we will vote on tomorrow night does is it pulls that help away and says we will not stand with them against crime. We are going to immerse them in the very kind of politics that they asked not to be immersed in, instead of backing them up and lending them the support they need to protect communities, whether it is in California, Colorado, or Austin, TX, or anywhere else in this great land.

Mrs. SCHROEDER. One of the ways it worked in my community, which has been wonderful, is the police have opened a neighborhood office. All the merchants and local people are invited in. The community gets a dinner. It just opens up the whole community, and they have done a much better job of catching criminals. If you look at



the bottom line, one of the reasons there is a lot of crime is a lot of people got away with it.

Well, if you have them there and you have eyes and ears and people know where to call and know it is right nearby in their neighborhood, boy, that stops the nonsense. And our biggest problem has been people wanting more, more, more. We cannot get enough fast enough.

I am sure they are going to be stunned to find out that we may vote this out tomorrow, that this may be voted out, because, listen, they do not have R's on their shirts. There is no R for Republican, no D for Democrat, no C for Clinton. They are police officers. They are out there to protect the community.

The gentleman was talking a little earlier about the Troops to Cops. That was in my committee. I worked very hard to get that amendment through and cosponsored it. What a waste. Some of these young people have already been perfectly trained. They just need a little extra training and they are ready to go on the civilian side. It is a win-win for the taxpayer. You paid for their military training. You may as well transfer it to the civilian side and keep it going.

I think there were so many things we were starting to make headway on, and I do not care, the people in my district do not care, whether it is Republicans or Democrats. Their No. 1 issue is get crime under control and stop the killing and stop the terror. This is the best way.

They are not saying what we want is get as many prisons as you can shoe-horn in here and let us stuff everybody in prison. Yes, if you catch people, they want them to go to prison, but they much prefer preventing it in the first instance, so they are free to walk around on the streets and enjoy the community that they used to be able to enjoy.

So I think your bringing this to the floor is absolutely essential. I cannot wait to see what they come up with as a reason to kill this program. I know we will all be listening intently.

Mr. DOGGETT. The gentleman from Colorado and the gentleman from California have both referenced prevention. I also wonder whether anyone is trying to undermine this cops program has ever discussed prevention with young men and women like this or with their older peers who are out there and have served our community, in some cases for decades.

I know, for example, that in my community of Austin, TX, you mentioned this community meeting, last year we had a real problem in one neighborhood particularly, it has unfortunately affected a great deal of our community, with youth violence. So instead of looking only at the question of violence, our forward looking police department under Chief Watson sees leadership.

One of the things they did about crime was to set up a job fair, to actu-

ally pull in local businesses to a high school, not far from this community. I went out to that job fair and there were young people coming out the doors, and there were some business people who I am sure instead of having someone who might come in and shoplift, someone who might some day because of drugs be burglarizing their establishment, they found a willing worker. Because if we provide some of these young people hope and we provide them opportunity, and if they begin to recognize that the men and women who go through cadet school and put on their blue uniform and go out to defend us are on our side, they are not the enemy, they are there working in the community with community police stations, with community prevention programs that work to try to prevent crime, that try to deter crime, and in turn, of course, unfortunately, when that does not work to a prison system to back them up, which we need. But if we rely only on the steel bars, we cannot build the prisons fast enough to fulfill the need of our community for security.

Mr. MILLER of California. I want to thank the gentleman and just say we found at least some of the officers have been more involved in community policing than just their shift work. We find them involved with the young people they work with in an official capacity during the day, on the weekends, and on their own time developing programs of community service for these people, completely voluntary, only recreational activities.

This summer, at the end of the summer, we will for the second time have a police officer-inspired program in which young people have done service in their community and will be treated to a field trip. It is a huge event in a community that is very poor, lives in public housing, but by having all of the kids participate throughout the summer and stay engaged, this officer has put together the resources to then take them on a field trip of recreation and fun, something that we would have never seen because of the walls that are traditionally being built between the community and law enforcement.

But now, because of her involvement in this community on a day-to-day basis, walking, talking to their mothers, their fathers, and other young people in the community, we now see this kind of relationship being built which we think long term will help law enforcement. As these young people grow up, it will also build some confidence in law enforcement by these young people because they will know these officers personally, and we like to believe that will continue. But for the first time we are now seeing a downward trend in crime in our communities.

I hope we can defeat these efforts to take away this funding.

Mr. DOGGETT. In attempting to do that, let me bring to the attention of the House one other aspect of this cops

program, and that is something called cops more.

Again, it is ironic that this very week, probably by midweek, the administration, the Department of Justice, will be announcing cops more grants. Hopefully, the city of Austin will be one of those and cities across this country. That is money that does allow some flexibility.

It will, for example, provide Federal dollars, again, directly to the city of Austin, to other communities, to allow some of our law enforcement officers that are now tied up with paperwork and other duties within the station to be replaced with civilian workers so that those skilled law enforcement officers can be out on the street. It will allow for the paying of overtime when our police officers are stretched to the limits at times and have to have overtime. It will allow for certain equipment to be purchased to facilitate police communications and other activities on the street.

So the cops program, as the Congress approved it last year, has the necessary flexibility already not only to get 100,000 police officers on the street, but to give them the tools that they need to be effective. Not politics, but real law enforcement tools, and that program will be announcing grants across America this week.

Yet, unfortunately, it is that very program that the House will undermine and destroy tomorrow night, unless we are able to get an amendment on changing the appropriations bill as it has been recommended and keep the support for our local law enforcement agencies.

Mrs. SCHROEDER. If the gentleman will yield further, let me thank him one more time for so very articulately laying out what our choices are going to be this week.

Let me end the way I began. I feel so fortunate to live in a country where people call the police, are not afraid of the police, and see the police as their friend, and they really want us to help fund more of them to help bring our communities back to the way they were. Just as we were beginning to get that going, we do not want to see the rug pulled out from under us. Thank you so much.

Mr. DOGGETT. I thank the gentleman for her observations and comments.

I would just close in saying that crime is not like the weather. There is something that we can do about it. The "something" this week in the House is to stand behind the men and women who just graduated from the academy in Austin, TX, that are out there because of Federal dollars, and keep that program going, backing up our law enforcement agencies, not substituting some weird blob grant program, but standing behind the men and women who are protecting our neighborhoods, our homes and businesses, doing something about crime with a program that

works today, right now. Keep that program and defeat this reactionary change that has been proposed.

□ 1400

#### PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Government Reform and Oversight, and the Committee on the Judiciary.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVRETT). Is there objection to the request of the gentleman from Georgia?

Mr. DOGGETT. Reserving the right to object, Mr. Speaker, I would say that the Democratic leadership has been consulted and the ranking minority member of each of the committees the gentleman referred to.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### EXPORTS OF ALASKAN NORTH SLOPE OIL

Mr. LINDER. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment,

the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) After passage of H.R. 70, it shall be in order to take from the Speaker's table the bill S. 395 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, the motion to amend described in subsection (b). The motion to amend shall not be subject to a demand for division of the question. The previous question shall be considered as ordered on the motion to amend and on the Senate bill without intervening motion except one motion to recommit the bill with or without instructions. If the motion to amend is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 395 and request a conference with the Senate thereon.

(b) The motion to amend the Senate bill made in order by subsection (a) is as follows:

“(1) Strike title I.

“(2) Strike sections 201 through 204 and insert the text of H.R. 70, as passed by the House.

“(3) Strike section 205.

“(4) Strike section 206.

“(5) Strike title III.”.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 197 is an open rule providing for 1 hour of

general debate equally divided between the chairman and ranking minority member of the Committee on Resources. After general debate, the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read.

House Resolution 197 authorizes the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require preprinting, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the floor of the House.

This rule allows the chair to postpone votes in the Committee of the Whole and reduce votes to 5 minutes, if those votes follow a 15-minute vote. Finally, this resolution provides one motion to recommit, with or without instructions.

Section 2 of House Resolution 197 provides for the consideration of S. 395 in the House. All points of order against the Senate bill and its consideration are waived and it shall be in order to consider the motion to amend S. 395 as described in the rule. Additionally, this section provides for one motion to recommit with or without instructions. If the motion to amend is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 395 and request a conference with the Senate.

The purpose of the underlying legislation, H.R. 70, is to lift the ban on the export of crude oil produced on Alaska's North Slope. This legislation was reported out of the Committee on Resources by voice vote and it has broad bipartisan support. This bill is clearly in the national interests, and by lifting the ban on exports, we can create tens of thousands of new jobs, drive domestic energy production, raise revenues, and reduce our dependence on imports. It is important to note that according to the Congressional Budget Office, H.R. 70 will reduce Federal outlays by about \$50 million over the next 5 years.

This open rule was reported out of the Rules Committee by voice vote. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of the legislation.

Mr. Speaker, I include for the RECORD the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS  
[As of July 21, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open <sup>2</sup>	46	44	38	73
Modified Closed <sup>3</sup>	49	47	12	23
Closed <sup>4</sup>	9	9	2	4
Totals:	104	100	52	100

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.  
<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.  
<sup>3</sup> A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.  
<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS  
[As of July 21, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PO: 229-100; A: 227-127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PO: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	O	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PO: 234-191; A: 247-181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Appropriations	A: 242-190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PO: 252-170; A: 255-168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PO: 225-191; A: 233-183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PO: 223-180; A: 245-155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PO: 232-196; A: 236-191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PO: 221-178; A: 217-175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PO: 258-170; A: 271-152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Appropriations	PO: 236-194; A: 234-192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PO: 235-193; D: 192-238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PO: 230-194; A: 229-195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PO: 242-185; A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PO: 232-192; A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PO: 217-202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PO-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority of the Committee on Rules has recommended an open rule on H.R. 70, and the committee's Democrats fully support this rule. In addition, I support this bill.

H.R. 70 will lift the ban on exports of Alaskan North Slope oil which was imposed in 1973 as a compromise to allow the construction of the trans-Alaska pipeline in an era when the United States was subjected to embargos imposed by the oil-producing states of the Middle East. Mr. Speaker, the time is long past when this ban serves any use-

ful strategic purpose and, in fact, this ban may have actually contributed to reduced domestic production. By freeing North Slope oil from this export ban, we will encourage further domestic production—both in Alaska and in the lower 48.

Mr. Speaker, the committee is also to be commended for including a provision in the rule which will expedite a conference on this legislation, and I urge support for the rule and the bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this important initiative to authorize exports of Alaskan oil because it is vital to preserving the independent tanker fleet and the cadre of skilled men and women who proudly sail today under the American flag. There can be little doubt that our Government has a compelling interest in preserving a fleet essential to national security, especially one transporting an important natural resource.

Specifically, section 1 of the bill requires that, other than in specified exceptional circumstances, Alaskan crude exports must be transported by a vessel documented under the laws of the United States and owned by a U.S. citizen.

Mr. Speaker, I am aware that some have raised trade-related questions about this provision, but these issues have already been addressed by the trade experts in the administration, who have concluded that the bill is consistent with our international obligations. In his March 9, 1995, letter, a copy of which is attached to my statement, for example, U.S. Trade Representative Mickey Kantor stated that the bill does not violate our international obligations under WTO/GATT, the relevant OECD Code, or the GATS Ministerial Maritime Decision. In fact, he pointed out that "the U.S. flag preference provisions \* \* \* actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potential new market opportunities resulting from enactment."

As my colleagues know, current law already requires Alaskan oil to move to the lower 48, Hawaii, and Canada on so-called Jones Act vessels. When Congress authorized construction of the trans-Alaska pipeline system, it established export restrictions that had the effect of ensuring that North Slope crude would move to the lower 48 and Hawaii on U.S.-built, U.S.-owned, and U.S.-crewed vessels. Although the export restrictions have changed over time, there has been no change with respect to the requirement to use Jones Act vessels.

In 1988, when Congress passed legislation to implement the U.S.-Canada Free-Trade Agreement, it agreed to allow up to 50,000 barrels per day of ANS crude to be exported for consumption in Canada, subject to the explicit requirement that "any ocean transportation of such oil shall be by vessels documented under [46 U.S.C.] section 12106." By insisting that exports to Canada move on Jones Act tankers, even though not required by the specific terms of the Agreement, Congress established the principle that exports must move on U.S.-flag vessels.

Consider also that in negotiating the North American Free-Trade Agreement, the Mexican Government reserved to itself the "transportation \* \* \* [of] crude oil." The U.S. Government specifically agreed to this reservation in adopting article 602(3) of NAFTA. Additionally, in two major areas of commercial movements in foreign trade, the U.S. Government has long enforced preference for American vessels. Since 1934, the U.S. Export-Import Bank has reserved for American carriers 100 percent of all cargo the export of which it finances under various programs. The Cargo Preference Act of 1954 also reserves certain Government-financed cargo to "privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates."

There are plenty of other examples of cargo reservation world wide. Our Government has entered into bilateral treaties with Latin American countries that preserve government controlled cargoes for national lines. These inter-governmental agreements are supported by

pooling agreements among the lines that effectively divide all cargo, not merely controlled cargo, on the UNCTAD 40-40-20 basis, with the 20 percent being accorded to such third-flag lines as are admitted to the pools. Similarly, the French Government reserves for French-flag vessels substantial cargoes. The Act of 30 March 1928, for example, requires that, unless waived, two-thirds of France's crude oil needs be carried on French-flag vessels.

Mr. Speaker, it is quite clear that long-standing precedent supports the U.S.-flag requirement in this bill.

Now let me address specific U.S. international obligations and explain why the legislation does not violate the GATS Standstill Agreement, the General Agreement on Tariffs and Trade, or other of our international obligations.

GATS Standstill Agreement. At the conclusion of the Uruguay round of multilateral trade negotiations, the United States and other countries for the first time agreed to cover services, as embodied in the General Agreement on Trade in Services [GATS]. Maritime services were effectively excluded, however, because no commitments of any kind were made by the United States. Although a U.S. offer had been briefly tabled, it was withdrawn. Thus, the U.S. Government did not in any way restrain or limit its authority to maintain or promote an American-flag fleet.

The only commitment made by the U.S. Government was to continue negotiations until June 1996, with a view to determining whether to make any binding commitments at that time. The Ministerial Decision on Negotiations on Maritime Transport Services imposed this standstill commitment or peace clause for the period during which the negotiations would occur: "[I]t is understood that participants shall not apply any measure affecting trade in maritime transport services except in response to measures applied by other countries and with a view to maintaining freedom of provisions of maritime transport services, nor in such a manner as would improve their negotiating position and leverage." Some foreign governments are now arguing that the enactment of the proposed legislation would violate this commitment. They are incorrect.

In a letter to me at the time, the U.S. Trade Representative stated that the peace clause is

Strictly a political commitment by the Parties to the negotiations not to take measures to "improve their negotiating position or leverage." In a worst case scenario, if one of the Parties to this negotiation were to conclude that the United States had taken a measure that contravenes the peace clause, their only remedy would be to leave the negotiating table.

\* \* \* \* \*

Let me assure you that there is nothing in the negotiations that would interfere with maritime reform legislation . . . Discussion of promotional programs, including government subsidies, would, by no stretch of the imagination, be viewed as undermining these negotiations.

This understanding was confirmed by the Presidential Advisory Committee on Trade Policy and Negotiations. In filing its report at the conclusion of the Uruguay Round negotiations, the Committee said: "[A]ll existing maritime promotional and support laws, programs and policies continue in full force and effect. The United States also may enact or adopt

such new measures as it wishes including pending legislation to revitalize the maritime industry."

#### GATT

The General Agreement on Tariffs and Trade covers goods, not services. Under long-standing precedent, vessels in international commerce are not themselves products or goods subject to GATT. For purposes of GATT, the relevant product is ANS crude, which would be transported on American-flag vessels. Requiring that this product be carried on these vessels, as currently required under the implementing legislation for the United States-Canada Free-Trade Agreement, does not conflict with GATT.

Article XI of GATT proscribes "prohibitions or restrictions other than duties, taxes or other charges whether made effective through quotas, import or export licenses or other measures" by a contracting party "on the importation of any product" or "on the exportation \* \* \* of any product." These requirements apply to products, which do not include vessels in transit between nations. Moreover, these requirements are limited to products and not to their transportation. This is made clear by the exceptions listed in ¶2, such as (a) measures to prevent or relieve "critical shortages of food stuffs or other [essential] products" and (b) restrictions to facilitate "classification, grading or marketing of commodities." Such exceptional restrictions are to be accompanied by public notice "of the total quantity or value of the product permitted to be imported." Thus, the transportation requirements of the committee print are not "prohibitions or restrictions other than duties" on goods proscribed under article XI.

Article III, the national treatment article, forbids internal taxes or other charges or regulations, affecting, inter alia, the transportation of goods, that discriminate in favor of domestic production. Requiring U.S.-flag vessels for the carriage of certain cargoes in international trade is not an internal regulation of transportation that discriminates against foreign goods. As I said earlier, vessels are not considered goods. Moreover, by operation of the Jones Act, foreign-flag vessels may not today carry ANS crude oil to the lower 48 or Hawaii. Having no claim under article III that they somehow will be denied opportunities tomorrow as a result of a change in current law.

Article V, the freedom of transit article, requires that member nations permit goods, and also vessels, of other member nations "freedom of transit through the territory of each contracting party" of traffic in transit between third countries. The proposed bill, however, is not an inhibition of such movement of foreign goods or vessels within the United States. Article V thus does not apply.

#### GATT GRANDFATHER CLAUSE

GATT 1994 contains an explicit exemption for the Jones Act. Annex 1A to the Agreement establishing the World Trade Organization contains an exception relating specifically to national flag preferences for shipping "between points in national waters" enacted before a member became a contracting party to GATT 1947. The exception becomes inoperative if "such legislation is subsequently modified to decrease its conformity with Part II of the GATT 1994."

On its face, however, the proposed bill would not operate in commercial applications "between points in national waters," since it

concerns the foreign trade. The proposed legislation would not amend the Jones Act and this does not jeopardize the grandfathering of the Jones Act by Annex 1A. The conformity of the bill with international obligations of the United States does not depend on this exception, but on the terms of those obligations themselves. As I indicated earlier, the proposed bill does not conflict with Articles III, V or XI of GATT.

## OECD CODE

The OECD's Code of Liberalisation of Current Invisible Operations generally requires OECD member countries to liberalize trade in services, with certain specified exceptions. Not 1 to annex A, in defining invisible operations in the maritime sector, states in its first sentence that the purpose of the provision is "to give residents of one Member State the unrestricted opportunity to avail themselves of, and pay for, all services in connection with international maritime transport which are offered by residents of any other Member States." The second sentence of the Note lists "legislative provisions in favour of the national flag \* \* \*" as among measures that might hamper the enjoyment of those rights. The Note concludes, however, unambiguously: "The second sentence of this Note does not apply to the United States." Whatever its applicability to the law of other nations, it would not apply with respect to the proposed legislation, which cannot therefore be contrary to it.

Thus, while some OECD Members have subscribed to equating national flag requirements with disapproved invisible operations, it is clear that the United States has not.

## FCN TREATIES

Some foreign governments have raised questions about the propriety of flag reservation in light of various treaties of friendship, commerce, and navigation. The treaty clause invoked is this: "Vessels of either party shall be accorded national treatment and most-favored-nation treatment by the other party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other party. \* \* \*" Whatever this clause may appear to convey literally, its application in practice has allowed numerous national flag preferences identical with or otherwise indistinguishable in principle from the proposed measure.

As I indicated earlier, the most prominent instance is embodied in the United States-Canada Free-Trade Agreement. But there are many other examples. In the 1960's and 1970's, for example, the United States concluded with the former Soviet Union agreements for the sale of grain that, initially, reserved all carriage to American ships so far as available, and later not less than 30 percent. Against protests filed by a number of maritime powers having either national-treatment or most-favored-nation treaties, the United States responded in congressional testimony that, although the fact that the Soviet Union as a government was the purchaser did not alter the character of the transaction as purely commercial, "[t]he shipping arrangement worked out for the Russian wheat sale is a form of cargo preference involving a unique bilateral agreement between the U.S. and U.S.S.R. establishing a new trade where none existed before." This is the same reason the Department of State has advanced in defending preferences for government-financed cargo. So far as this may be considered a controlling factor,

it is certainly applicable here, because the bill is clearly "establishing a new trade where none existed before."

In 1973, the President, by proclamation, instituted a system of licensing fees on imports of oil excess to prescribed quotas. Subsequently, however, the President in effect exempted products refined in American Samoa, Guam, the Virgin Islands or a foreign trade zone, if transported to the mainland on American-flag vessels. Like the present bill, the fee waiver was said not to reflect "a general administration position on reducing licensing fees when U.S.-flag ships are used." Although the stated purpose was to equalize refinery costs as between territories not subject to the Jones Act and the mainland, the administration suggested in congressional testimony that "a positive incentive has been provided by the administration for the construction and use of additional U.S.-flag tankers." In recent testimony before the Resources Committee on which I sit, the Deputy Secretary of Energy similarly emphasized the importance of the U.S.-flag requirement of the pending legislation in preserving U.S.-flag tankers and the skilled mariners who operate them.

In summary, Mr. Speaker, the U.S.-flag requirement of this bill is supported by amply domestic and foreign precedent, does not represent an extension of cargo preference into a new area, and does not violate our international obligations. There is no reasonable basis for a challenge to the legislation before the World Trade Organization or in other international forums.

I urge my colleagues to join me in supporting this legislation, which is so vital to preserving a fleet essential to national defense.

I include for the RECORD a letter from Michael Kantor, the U.S. Trade Representative, as follows:

THE UNITED STATES TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,

Washington, DC, March 9, 1995.

Hon. J. BENNETT JOHNSTON,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR JOHNSTON: This replies to your letter of March 2, 1995, requesting information on the implications of the cargo preference provisions of S. 395 on our obligations under the World Trade Organization and the Organization of Economic Cooperation and Development (OECD). Specifically, you ask if the legislation violates any trade agreements, the potential legal and practical effects of a challenge, as well as its effect on the ongoing negotiations on maritime in Geneva.

As to WTO violations, I can state categorically that S. 395, as currently drafted, does not present a legal problem. Further, we do not believe that the legislation will violate our obligations under the OECD's Code of Liberalization of Current Invisible Operations or its companion Common Principles of Shipping Policy. However, the OECD does not have a mechanism for the settlement of disputes and its associated right of retaliation. While Parties to the OECD are obligated to defend practices that are not consistent with the Codes, the OECD process does not contain a dispute mechanism with possible retaliation rights. (The OECD Shipbuilding Agreement, by contrast, does contain specific dispute settlement mechanisms, although the Agreement does not address flag or crew issues.)

Your letter requests guidance on the implications of S. 395 on the GATS Ministerial De-

cision of Negotiations on Maritime Transport Services (Maritime Decision) which is the document that guides the current negotiations on maritime in the WTO. The Maritime Decision contains a political commitment by each participant not to adopt restrictive measures that would "improve its negotiating position" during the negotiations (which expire in 1996). This political commitment is generally referred to as a "peace clause." Actions inconsistent with the peace clause, or any other aspect of the Maritime Decision, cannot give rise to a dispute under the WTO, since such decisions are not legally binding obligations.

There are, of course, potential implications for violating the peace clause by adopting new restrictive measures during the course of the negotiations. These implications could include changes in the willingness of other parties to negotiate seriously to remove maritime restrictions and might lead to certain parties simply abandoning the negotiating table. But the Maritime Decision does not provide the opportunity for retaliation.

Our view is that the U.S. flag preference provisions of S. 395 do not measurably increase the level of preference for U.S. flag carriers and actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potentially new market opportunities resulting from enactment of S. 395. Thus, it would be very difficult for foreign parties to make a credible case that the U.S. has "improved its negotiating position" as the result of S. 395.

For reasons I have explained, we are certain that the U.S. flag preference does not present legal problems for us under the WTO. However, in the event any U.S. measure is found to violate our obligations, the WTO does not have authority to require alterations to affected statutes. That remains the sovereign decision of the country affected by an adverse panel ruling. A losing party in such a dispute may alter its law to conform to its WTO obligations, pay compensation, or accept retaliation by the prevailing party.

Finally, we agree with you that it would not be appropriate to include a requirement that ANS oil be exported on U.S.-built vessels.

I trust this information is of assistance to you. Please do not hesitate to contact me or my staff should you need more information.

Sincerely,

MICHAEL KANTOR.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I will not be offering my amendment that requires that these vessels be built in the United States, after further discussion with the chairman, the gentleman from Alaska [Mr. YOUNG], the ranking member, the gentleman from California [Mr. MILLER]. But I will be offering a very simple amendment, one that I think is important, to the substitute offered by Chairman YOUNG. I believe that it is necessary if we are to ensure that this legislation does not cause the loss of American jobs.

Mr. Chairman, in the bill it says, section 1, clause V, if the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under the authority of this subsection has caused sustained, material crude

oil supply shortages or sustained crude oil prices significantly above world market levels, and further finds that these supply shortages or price increases have in fact caused sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may—may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

My amendment is very simple. It would delete the word "may," and insert the word "shall." This amendment would then require the Secretary of Commerce to take action if there is an energy crisis or if American jobs are being lost as a result of this legislation.

I do not think that we should leave to the discretion of some bureaucrat whether or not these adverse effects on employment and these other issues would require some action. The amendment would compel and require the Secretary to in fact make notice to the President of such actions.

I believe that this amendment has been agreed upon, and it is not a problem at this particular point. But I would just like to say this in closing with my remarks. I think we leave too much discretionary activities to bureaucrats who many times, and this is not painting any of these bureaucrats with a broad brush, but they may not necessarily have as much zeal with some of the connections that they may have in taking some of this action. So in essence, it would change the discretionary may in the bill for such recommendations to shall, and the Secretary would be compelled then to give that information immediately to the President, where such action could be taken in accordance with other actions and activity listed under this bill.

I think it is a commonsense amendment. I support it. I would like to say this. I support the bill. I believe it is good for American jobs, that it in fact maintains certain employment activities we have in the petroleum field right now and creates some new jobs.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule. I am pleased to see that the committee has granted Chairman YOUNG's request for an open rule which protects the rights of all Members to offer amendments. I applaud Chairman YOUNG for continuing the tradition of our committee by seeking open rules.

We do not agree, however, on the merits of this legislation. During the consideration of H.R. 70, I will be offering an amendment to restrict exports of Alaska oil to the amounts which are

in excess of current consumption on the west coast. The bill as reported by the resources committee restricts the President's authority to protect U.S. interests by forcing him to choose between exporting 100 percent of the Alaska oil or no oil at all. The bill specifically precludes the President from finding that it is in the national interest to establish any volume limitations.

Additionally, Mr. Speaker, I would note that, upon passage of H.R. 70, the rule provides for a motion to bring up the Senate-passed bill, strike the text and insert the House language. While I have no objection to this procedure, I would caution my colleagues that they are buying into much more than they expect in this legislation at a substantial cost to the taxpayers.

The other body has included several matters which will come up in conference which would not be germane under House rules to the subject Alaska oil exports. I am particularly concerned about title 3 of the Senate bill which requires the Secretary of the Interior to grant a holiday on collecting royalties from oil companies which operate in the Gulf of Mexico. This relief is granted whether or not it is needed. For drilling in waters deeper than 800 meters, for example, title 3 would require no less than 82.5 million barrels of royalty-free oil for each lease.

The stated purpose of title 3 is to encourage oil development in deep waters of the gulf. Yet the oil companies are already encouraged without any help from the Government. The last two gulf lease sales have brought in record bonus bids. The gulf is now one of the hottest areas in the world for new exploration.

In my view, mandatory royalty relief would be nothing other than a taxpayer-subsidized holiday windfall for the oil operators in the gulf. This is new corporate welfare at its worst. If title 3 had been in effect just 3 months ago, the royalty holiday would have cost the Treasury at least \$2.3 billion from the last lease sale alone.

So, Mr. Speaker, there is much more to H.R. 70 that will be considered in conference than just Alaska oil exports—and there are good reasons that House Members are unaware of the deep water royalty relief issue because:

There is no bill requiring a deep water royalty holiday in the House.

There have been no hearings on this subject in the Resources Committee.

But when we go to conference on H.R. 70, you can rest assured that the other body will insist that we include the royalty holiday in the conference report.

Without amendments to protect U.S. jobs and consumers, H.R. 70 is flawed and should be rejected. But even if we disagree on whether exports of Alaskan oil are in the national interest, I urge my colleagues to look ahead down the road because there is a big taxpayer ripoff headed our way from the conference.

□ 1415

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 70.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 70), to permit exports of certain domestically produced crude oil, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, on the first day of the session, I joined with the gentleman from California [Mr. THOMAS] and a bipartisan group of Members in introducing H.R. 70.

Mr. Chairman, on May 9, the committee heard testimony from the administration, the State of Alaska, California independent oil producers, maritime labor, and other proponents of our proposed legislation. The administration testified in favor of the bill, but indicated that the bill should be amended, first, to provide for an appropriate environmental review, second, to allow the Secretary of Commerce to sanction anticompetitive behavior by exporters, and, third, to establish a licensing system. On May 17, the committee adopted a substitute amendment supported by the administration.

I am pleased to offer today a committee print that has the support of the administration.

The committee print would bring the bill in substantive conformity with title II of S. 395 and includes provisions requested by the administration. In a nutshell, the committee print provides for the following:

ANS oil exports—carried in U.S.-flag vessels—would be authorized, unless the President determined they were not in the national interest.

Before making his national interest determination, the President must consider an appropriate environmental review, as well as the effect of exports on jobs and consumers.

In making his national interest determination (within 5 months of enactment), the President could impose terms and conditions other than a volume limitation on exports.

The Secretary of Commerce then would be required to issue any rules necessary to implement the President's affirmative national interest determination within 30 days.

If the Secretary later found that sustained material oil shortages or sustained prices significantly above the world level had caused sustained material job losses, he could recommend appropriate action by the President against an exporter, including modification or revocation of the authority to export.

Administrative action under the bill would not be subject to traditional notice and comment rulemaking requirements.

As under S. 395, the President would retain his authority to later block exports in an emergency. In addition, Israel and other countries pursuant to the International Emergency Oil Sharing Plan would be exempted from the U.S.-flag requirement.

Finally, the committee print also would require the General Accounting Office to prepare a report assessing the impact of ANS exports on consumers, independent refiners, shipbuilders, and ship repair yards.

Enactment of this legislation would at long last allow exports of our State's North Slope crude oil when carried on U.S.-flag vessels. When enacted, this legislation will allow the State's most important and vital industry to finally sell its products in the global marketplace.

To put the proposed legislation in perspective, I think it would be helpful to explain the origins of current law. The export restrictions were first enacted shortly after the commencement of the 1973 Arab-Israeli War and the first Arab oil boycott. At that time, many people believed that enactment of the export restrictions would enhance our Nation's energy security. Indeed, following the second major oil shock in 1979, Congress effectively imposed a ban on exports. Much has changed since then.

In part due to significant conservation efforts and shifts to other fuel sources, total U.S. petroleum demand in 1993 actually was lower than in 1978. Net imports also were lower. Last year, for the first time, imports met more than half of our domestic demand—not because consumption has risen, but rather because domestic production has declined so enormously.

Even though imports are up, they come today from far more secure sources than in the 1970's, when energy security was of such a paramount concern. Today, over half of our imports

come from the Western Hemisphere and Europe. Mexico and Canada are among our largest suppliers. We not only are less dependent on the Middle East and Africa, but we have stopped buying crude from Iran, Iraq, and Libya. In addition, international sharing agreements are in place and the United States has filled a Strategic Petroleum Reserve with 600 million barrels of crude oil. In short, our Nation is no longer vulnerable to the supply threats that motivated Congress to act in the 1970's.

While we have taken the steps necessary to reduce our vulnerability to others, we have not done enough to encourage domestic energy production. In fact, production on the North Slope has now entered a period of sustained decline.

If I may just digress from my written statement, Mr. Chairman, last month the highest part of our trade deficit, which was the highest we have had in 7 years, was the importation of fossil fuels. In fact, the production on the North Slope has now entered a period of sustained decline. In California, small independent producers have been forced to abandon wells and defer further investments. By precluding the market from operating normally, the export ban has discouraged production in the United States. This bill is intended to change that situation. H.R. 70 would require the use of U.S.-flagged—U.S. crewed vessels, not U.S. built.

May I compliment my good friend, the gentleman from Ohio [Mr. TRAFICANT], for not offering that, because, very frankly, it would have caused us great concern within the shipbuilding industry and within the unions themselves.

Small independent producers have been forced to abandon wells or defer further investments. Faced with glut-induced prices for their own crude, these small businesses have laid off workers, further exacerbating market conditions caused by the long recession in California. By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production. We want to change that situation.

In an effort to quantify the likely production response and to evaluate benefits and costs of Alaskan oil exports, the Department of Energy conducted a comprehensive study last year. In its June 1994 report, the Department concluded Alaskan oil exports would boost production in Alaska and California by 100,000–110,000 barrels per day by the end of the century. The study also concluded that ANS exports could create up to 25,000 jobs as well. The sooner we change current law, the sooner we can spur additional energy production and create jobs in Alaska and in California.

As many Members of this body know, there has long been concern in the domestic maritime community that lifting the ban would force the scrapping

of the independent tanker fleet and would destroy employment opportunities for merchant mariners who remain vital to our national security. In recognition of this concern, our proposed legislation would require the use of U.S.-flag vessels to carry exports. The U.S. Trade Representative has assured Congress that this provision does not violate our GATT obligations. Based on the testimony presented to the committee and our own assessment of the issue, we concur with the administration's view that this provision is fully consistent with all of our international obligations.

Our proposed legislation also ensures that an appropriate environmental review will be completed before the President makes his national interest determination. I think it is important to emphasize that in order to be in compliance with the National Environmental Policy Act, the environmental review required under the bill need not include a full-blown environmental impact statement, even if the review determines that some adverse environmental impacts may arise from exporting of ANS oil. As long as those impacts can be mitigated by conditions on exports included in the President's national interest determination, NEPA is satisfied.

We have given the President discretion to have the relevant agencies conduct the type of environmental review considered appropriate under the circumstances. In fact, the procedure set forth in the committee print for making the appropriate environmental review tracks the well-recognized procedure whereby an agency may forego a full environmental impact statement by taking appropriate steps to correct any problems found during an environmental assessment. If the EA does reveal some environmental effects, an agency may take mitigating measures that lessen or eliminate the environmental impact and, thereupon, make a finding of no significant impact and decline to prepare a formal EIS.

In its June 1994 Study, "Exporting Alaskan North Slope Crude Oil," the Department of Energy "found no plausible evidence of any direct negative environmental impacts from lifting the ANS export ban." Under the circumstances, we believe the review procedure established in the committee print—a 4-month study containing appropriate mitigating measures—properly balances the facts known to Congress and our policy objectives. Moreover, it fully complies with NEPA.

In closing, let me emphasize that this ban no longer makes economic sense. For too long, it has hurt the citizens of Alaska, it has severely damaged the California oil and gas industry, and it has precluded the market from functioning normally. If left in place any longer, it will further discourage energy production, it will destroy jobs in Alaska and California, and it will ultimately hurt our seafaring mariners, the independent tanker fleet, and the



shipbuilding sector of our Nation. To reduce our net dependence on imports, we can take an important first step by enacting this proposed legislation.

The maritime industry and the oil industry have shown they can work together to promote the common good. We hope we can soon show that the administration and Congress can work together as well to promote our national security, spur energy production, reduce our net dependence on imports, and create jobs.

May I say in closing, Mr. Chairman, this is H.R. 70. They can insert everything after the enacting clause of the Senate bill as it passes the Senate. We will be discussing those things that will be argued today on the floor with the Senate in conference. Keep in mind we are working on a House bill that passed out of our committee pretty nearly unanimously by voice vote, and had strong bipartisan support.

Mr. Chairman, I urge the passage of this legislation and I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I hope that our colleagues are aware of the historic importance of this legislation. This bill signals the collapse of the oil industries' argument that producing oil in this country is vital to our energy security.

If we can afford to export Alaskan oil to Japan, Taiwan, South Korea and other countries when we are currently refining and consuming the vast majority of that oil on the west coast, then the arguments that we should develop our coastal waters or our wilderness areas ring hollow. When we can afford to export 25 percent of our production at the same time the Nation is importing over 50 percent of our consumption, the notion that imported oil is a threat to our economic security is hard to swallow.

For over two decades, Congress has dedicated Alaskan oil to meet our domestic energy needs—a crucial part of the compromise that allowed expedited construction of the trans-Alaskan pipeline. Since 1977, Alaska oil has provided the majority of oil for refineries in Washington, California, and Hawaii and most of the oil consumed by residents of those States as well as Oregon, Nevada, and Arizona. Tens of thousands of jobs in refining, shipbuilding, transportation, and other businesses are dependent upon the Alaska oil trade.

The only sure winners in allowing exports are one multi-national oil company—British Petroleum—and one State—Alaska. British Petroleum produces about one-half of the North Slope Oil and, if exports are allowed, can substantially manipulate the market prices for independent refineries on the west coast. The State of Alaska will

see its revenues increase too, allowing it to continue its role as the State with the lowest personal tax burden and highest per capita spending in the Nation.

The losers in this endeavor are consumers, especially on the west coast, who are likely to pay more for their gasoline in the future. The losers are also the workers in refineries and the transportation sector who will see their jobs sacrificed and exported along with the oil.

I find it ironic that the proponents of exports rely so heavily on the Department of Energy's 1994 study promoting exports. The majority of the House voted to abolish DOE and the Republican majority consistently rejects the conclusions of the Clinton administration on other matters. But more importantly, DOE's study is flawed and based on outdated data.

DOE's projections of all benefits and no downsides from exports are based on its assumption that both a historic glut of supply on the west coast and depressed prices will continue.

But the DOE's assumptions do not reflect current reality. As the State of Alaska's Department of Revenue recently observed, Alaska North Slope oil "prices at parity can be expected to occur more often in the future as ANS production declines and the most expensive transportation route to the gulf coast via Panama loses tanker traffic."

In other words, if prices are at or near parity with world market prices and the supply glut on the west coast is diminishing, price increases will not be absorbed by refiners—as DOE predicts—but will be passed along to consumers and businesses. Since California heavy oil is not an adequate substitute for light Alaska oil, refiners will be forced to look to more expensive, less reliable imported oil as a substitute. These price increases may have negative ripple effects throughout the entire economy.

Let me give you a real life example of why the DOE report is unreliable. DOE projects that up to 25,000 oil producing jobs will be created in Alaska and California by exports. This is remarkable considering there are only 34,000 of these jobs today. This is a questionable conclusion considering DOE assumes that British Petroleum will reinvest 100 percent of its profits from exports in Alaska. BP will give no such assurance, and it is even more dubious when job losses due to exports are disregarded.

Just last month, Pacific Refining Co. in Hercules, CA—which is in my district—announced that Alaska Oil exports are a factor in shutting down and eliminating over 200 jobs.

Mr. Chairman, this legislation purports to take potential job losses and price impacts on consumers into account during a Presidential Review of whether oil exports are in the national interest. However, the President is prevented by the bill from finding

that a volume limit on exporting Alaska oil is in the national interest. So the President must chose between all or nothing. Given DOE's fanatical promotion or exports we know already what that decision will be.

I will be offering an amendment to delete the bill's restraint on the President's authority to set export volume limits and to require that the amounts currently refined and consumed in the west coast States are provided first priority with the excess eligible for export. This is an amendment that presents a reasonable compromise and puts the interests of us consumers and workers first.

I urge my colleagues to support my amendment and vote no on final passage of the bill if it fails.

□ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I rise to engage the esteemed chairman of the Resources Committee in a colloquy.

As the chairman knows, many people are extremely concerned about the environmental and economic impact of this bill. I share many of their concerns, and believe that we must ensure that the public has an adequate opportunity to participate in and be heard on this issue.

As you know, I had intended to offer an amendment that would have required a public comment period, unless the administration gave me a firm commitment to hold a public comment period or hearing before the oil is exported. It is my understanding that, with the chairman's assistance, the administration has now committed to hold at least one hearing before the President makes his national interest determination. Am I correct?

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield. The gentleman is correct, and I would like to thank my colleague for his efforts in this regard. The administration has agreed to hold one or more hearings before the President makes his national interest determination. The bill requires the administration to conduct an appropriate environmental review within 4 months, and the hearings will take place within this process. The public will have a formal means of making its views known directly to the administration.

Mr. METCALF. I thank the chairman for his reassurance.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], a sponsor of the bill, a great leader who introduced this bill 10 years ago and has worked so diligently and hard. The gentleman deserves recognition for his effort in this great piece of legislation today.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, this is a kind of an exciting day for me. It is my own personal corrections calendar, if you will.

The gentleman from California made a number of assertions. Frankly, for 10 years we have been trying to get people to focus on whether or not we should require all of the oil production in Alaska by Government edict to come to the lower 48 States.

Because of geography, the lower 48 States basically are three: Washington, Oregon and California. When you take a look at the population factors on the west coast, overwhelmingly more than 800,000 barrels of oil a day come to California.

I represent the 21st District in California. It is in central California. Contained in that district, ever since I came to Congress in 1978, are 4 of the 10 largest oil fields in the United States, among the top 20 oil producing areas of the world.

The primary holding in this area is a Government holding. It is called the Naval Petroleum Reserve and it is an area that was called Elk Hills.

Let me take you back to the early 1970's and the mid 1970's when we had the scare of the Middle East being able to choke this country by cutting off oil supplies. Unfortunately and regretably, the Congress, controlled by the then majority party, said that the condition for building a pipeline in Alaska was that all of that oil had to come to the United States.

When they took the Naval Petroleum Reserve and opened it up, it was to be held as a reserve. Well, as you know, when you produce oil, it is not a well with a straw in it. When you open it up, it begins to flow. The Congress also decided to store oil in salt domes, and the Strategic Petroleum Reserve was developed in Texas to be able to get oil in that manner.

The Elk Hills fields are naturally occurring fields. Much of the oil there is heavy oil and it requires heating or a tertiary process, as we talk about it, to bring the oil to the surface. Billions and billions of barrels of oil are involved.

During the Middle East oil crisis, President Ford opened up Elk Hills under the requirement of maximum efficient production, defined as most you could get out of the field. Then along the same time, something called the windfall profits tax was slapped in place.

Let me tell you what happens when Government gets into the economics of oil and the way the Government did in the 1970's.

Government told Elk Hills, produce at your maximum efficient rate, so Elk Hills began pumping oil out, primarily for California consumption because there is no reasonable way to move that oil out of California to the Midwest or the East. But at the same time

the Government had said all of the Alaskan oil production had to come to the lower 48, which is basically California.

So here by Government edict you have maximum production of one of the largest oil fields in the world, in California, and by Government edict all the oil produced by one of the largest oil fields in the world in Alaska coming to California.

Obviously you had a depression of the price of oil, so that the production that would have occurred in California because of the increased price for oil did not occur. The continued expansion of Alaska production toward the maximum production of oil there, because of the depressed prices, did not occur.

So I have for the last 10 years been trying to reconcile this ill-conceived Government policy. Who in the world would want to maintain this kind of a ridiculous Government production by edict, which depressed the ability to respond to the energy crisis with domestically produced oil which would have made us more energy sufficient? Who would have said these tankers have to come up and down the west coast of Alaska, Canada, and the United States by Government edict, to threaten our very sensitive environment along the coast? Who in the world would try to maintain this policy? Who is benefiting by this policy?

Guess who benefits? People in California who get a guaranteed, fixed price, depressed, crude product to run through their refineries. And guess where the biggest refineries are? They are in the bay area.

These people are fighting to maintain this hypocritical policy so that they can continue to maintain the record profits because of the margin between what they pay for oil and what they can sell the refined product for. It is just ironic that people stand up in the name of the energy conservation, of national security, of the environment, to try to maintain record profit margins for these corporations.

We are pleased that the Department of Energy, the Department of Transportation, and the Department of Defense came together to do a study.

What they discovered is what we knew for a long time: that in fact this policy does not promote energy security, it puts us at greater risk; that in fact it depresses the ability to produce oil here in the United States, and in Alaska, and it does cost us jobs; and that it is more threatening to the environment to keep this policy in place than to remove it.

We believe that not because a Government study said that, because for 10 years we have known it. I am pleased to say today in the well of the House that I have a statement from the administration that at long last recognizes the simple economics of allowing the marketplace to determine the amount of oil produced and recognizes that there is no question that forcing tankers to ply the Pacific waters is in-

deed a greater environmental risk than to have some of it find its economic home somewhere other than the lower 48.

I am also pleased to have a letter from the maritime unions. AFL-CIO is in support of this legislation. More than 75 of my colleagues, both Democrat and Republican, have joined us as well.

This bill is long overdue. It is the proper thing to do, because H.R. 1530, the Defense Authorization Act, provides for the privatization of Elk Hills as well. If we are going to produce oil out of a Government reserve at its maximum efficient rate, you should not let Government try to be in the oil business of production and selling.

What we should do is privatize Elk Hills. Along with allowing the Alaskan North Slope oil in H.R. 70 to find its economic home, and privatizing Elk Hills in H.R. 1530, we go a long way toward correcting the crazy economics of oil policy that has been in place for almost 20 years. It is indeed an exciting moment.

I want to thank very much the chairman of the Committee on Resources who, although he comes from Alaska, I know because of his understanding of the way things work would have been supportive of this bill, notwithstanding the fact that he represents the State. It is just a pleasure to work with him to correct a policy that did not augur well for the citizens and the economy of Alaska. It has not augured well for the citizens and the economy of California. Indeed, it has been a tragic mistake for all Americans over the last 20 years. It is a pleasure to support H.R. 70 and correct this problem.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, this legislation should be retitled. It should be retitled "Let's Not Learn From History," because what we are doing here, is we are setting ourselves up again. We are setting ourselves up to rapidly exploit the reserves that exist in Alaska, put pressure on ANWR and other sensitive environmental areas.

I know some people believe in that. They ought to stand up and say that is what they want to do. But worst of all, at a time when we are more vulnerable than ever to Mideast oil and to the blackmail of a Mideast oil embargo, we are about to contract American oil off someplace else.

The House rules prohibit me from mentioning the names of the junior Senator in the other body, from referencing any Member of the other body, so I cannot do that. But let me tell you that people in both bodies in the Congress, which I can reference, have made statements about where we are oil-wise.

This is not a liberal Democrat or somebody that wants to break this historic decision that we have had to protect the resources in Alaska and thereby prevent the pressure for immediate

exploitation of all our reserves. This gentleman says,

Mr. President, there is no question that each day our energy situation is increasingly in peril. In 1973, the year of the Arab oil embargo, we imported 6.3 million barrels per day of crude oil and refined petroleum products. We were 36 percent dependent on foreign oil. Today we are 50 percent dependent on foreign oil.

So where are we? At a time when we are more dependent than ever on the importation of oil from a part of the world that is still politically unstable, we are going to take our oil and we are going to contract it to the Japanese.

What is that going to do? First of all, if there is a crisis, we are going to have to go back and say to the Japanese, "Gee, we need this oil back," which is going to create other problems and complications for the Government. But it will do several things.

It will accelerate the exploitation of Alaskan oil. What does that do? Well, that means the day when America is bankrupt oil-wise is closer. At a time when we ought to be making long-term planning for the proper utilization of our natural resources, we are going to create a fire sale. Let's sell this product off, let's get it out there, let's get rid of it and then we'll be completely dependent on the Middle East or some other part of the world.

There are other places, by the way, where there is oil. There is Kazakhstan that is finding all these great reserves. That is so good an area to operate in, even the oil companies that have found oil cannot get it out of there because of the political situation.

Here we are, not that long after the 1973 oil embargo, and what are we trying to do? We are trying to make the United States more dependent on oil from regions of the world that are politically unstable.

Yes, I think we ought to amend the title of the bill. It ought to be the "Let's Not Learn From History Act," because that is what we are doing here. We are wasting our future, we are endangering our children with this piece of legislation.

Mr. Chairman, I rise in strong opposition to this bill.

H.R. 70 is a sellout of America.

This bill purports to allow the sale of Alaska oil, and it does.

But what the proponents of this bill do not say is that this bill is really selling out the interests of American workers, American consumers, American national security, and the American environment.

And this sellout of America is to benefit British Petroleum and the State of Alaska.

This bill will sellout American consumers, American workers, our environment, and our national security just to allow this huge British company to sell Alaskan oil to the Japanese.

So, the British and the Japanese will win and the Americans will lose.

States that depend on Alaska oil will lose.

States with industries involved with the shipment of Alaska oil will lose.

States with industries involved with the construction and repair of Alaska oil tankers will lose.

It is only the State of Alaska, the British and the Japanese who win.

American consumers will lose out because the export of Alaska oil will increase the cost of oil here at home.

This should not come as a surprise—it is the law of supply and demand.

The less oil we have here at home, the higher the cost to the consumer.

It will not only hurt the consumer at the pump—it will also increase the crude oil acquisition costs of independent refiners.

American workers will lose out because under this bill, the ships that carry Alaska oil do not have to be built in the United States.

Thousands of jobs for American shipworkers will be eliminated.

So, not only will the United States be shipping oil to Japan, we will also be shipping jobs abroad.

Today, ships carrying Alaska oil to the west coast must be built in the United States.

Under this bill, ships carrying Alaska oil to Japan will not have to be built in the United States.

Not only will thousands of shipbuilding jobs be lost.

Hundreds of seagoing jobs aboard tankers carrying Alaska oil to the lower 48 States be lost.

Thousands of ship repair jobs will be lost to subsidized Asian shipyards.

The American environment will lose out in several respects:

First, the export of Alaska oil will increase the demand for domestic oil—and therefore lead to drilling on the California coast and in the Arctic National Wildlife Refuge.

Second, since the United States will have to import more oil from the Middle East, the risks of oil spills on the west coast will increase: bigger tankers will be used, increasing the risk of a spill; with the use of bigger tankers, there will have to be more transfers of the oil at the port, thereby increasing the risk of spills.

Finally, the sale of Alaska oil abroad will also sell out our national security.

Now is not the time to make the United States more dependent on the supply of oil from the Middle East.

Why in the world are we allowing the export of domestic oil when the natural consequence of that is to increase our need to import oil from the countries in the Middle East, including Iran?

Why are we allowing ourselves to become dependent on countries like Iran?

There have been times in the past when the lack of domestic oil forced us to depend on oil from the Middle East.

This amendment will voluntarily make the United States dependent on Middle East oil. That makes no sense.

So, we are sacrificing American consumers, American workers, our environment, and our national security—all for the benefit of British Petroleum and the State of Alaska.

A vote for this bill is a vote for British Petroleum and the State of Alaska—and no one else.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to compliment the gentleman from Connecticut for a great political speech. It had very little meat in it. A lot of, very frankly, assumptions were not true. We

know what has happened to the world market of oil. We know the supply and demand. We know there is a glut on the west coast. We know that some people had a sweetheart deal. Very frankly, there are other areas that produce oil.

Mr. GEJDENSON. Will the gentleman tell me what part was not true?

Mr. YOUNG of Alaska. Mr. Chairman, I will not yield. I did not mention the gentleman's name. I did not mention the gentleman's name. I am just going to suggest respectfully, we could drill off the coast of California.

□ 1445

We could drill off the coast of Florida, Massachusetts, North Carolina. We could do those things. But we have to understand the marketing principle of oil. What has happened here, the only State in the Union which required in 1973, the only State that owns its own oil, was required to transport it to, by law of this Congress, really one market. And as the gentleman from California mentioned, we also required the full maximum production of oil out of Elk Hills. It was a classic example of Government interference in the marketing capability of a resource. And it has been a disaster that has decreased production of our domestic oil producers and made us more dependent.

Let us keep in mind also that there will be, in fact, a different type oil in many cases that will be shipped to the Asian market that has no place in the United States, that is high in sulfur, and is what we call coal oil. There is a market in the Asian countries that do want this oil. It will not be just Prudhoe Bay oil; it will be an Alaskan oil.

Mr. Chairman, we have also heard the statement we are going to exploit. If anything, we have not, very frankly, explored enough, because as I mentioned in my opening statement, the highest trade deficit mark, highest in 7 years, is the importation of fossil fuels that do not come necessarily from the Far East, but other countries, because we killed our domestic production.

This is an attempt to make the marketplace work; an attempt to open other fields and to get some of our independent oil producers back into the field.

So, Mr. Chairman, I suggest respectfully, I know rhetoric is very popular on this floor, that we look at the facts, the people that support it, including this administration. Those that are directly affected support it and it was wrong to begin with and it is time that we lift that ban.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

(Mr. BURR asked and was given permission to revise and extend his remarks.)

Mr. BURR. Mr. Chairman, I rise in support of H.R. 70 which lifts the ban on exporting Alaskan crude.

The current ban on exporting Alaskan crude contained in the Energy Policy and Conservation Act, the Export

Administration Act, and the Mineral Leasing Act has several negative impacts. Among other things, it has led to artificially low prices for heavy crude on the west coast, thereby discouraging some otherwise profitable oil production in California. I believe this bill will lead to increased domestic oil production, increased oil industry related jobs and preserve existing maritime jobs.

The Commerce Committee supports the amendments made by this act to the Energy Policy and Conservation Act and the other relevant statutes, so that Alaskan crude can be exported to the Pacific rim and elsewhere. It is important to note that EPCA is amended only with respect to export of the crude specified in the statute. No other modifications are made. Significantly, the United States obligations under the International Energy Agreement are unaffected by this provision. Finally, because of the legislation's impact on EPCA, I and other members of the Commerce Committee will continue to follow this bill through the legislative process and excessive oversight over its implementation.

I support H.R. 70 and urge my colleagues to do the same.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I commend and thank the gentleman from California [Mr. THOMAS] for all the good work the gentleman has done over the years in advancing legislation and I commend the gentleman from Alaska [Mr. YOUNG] for his efforts too.

As an original cosponsor of H.R. 70, I rise in strong support of the committee's proposed bill. Although current law may have made a great deal of sense in 1973, like many other laws, it is now having the unintended consequences of reduced domestic oil production resulting in job losses in many parts of the country.

We, therefore, should support this legislation and repeal the ban and authorize exports of Alaskan North Slope oil. As reported by the Committee on Resources, H.R. 70 has been endorsed by the Clinton administration. The bill is also supported by small and independent oil producers, including the California Independent Petroleum Association and, in addition, because the bill would require exports to be carried on U.S.-flag vessels, it also has the strong support of maritime labor. The legislation is particularly important to the independent producers who make up a vital element of the industry.

The independent producers testified before the Committee on Resources that current law forces oil from the No. 1 producing State, Alaska, into the number three producing State in the country, California.

By creating this artificial glut, the law continues to depress California heavy crude production. Though no one

in 1973 would have predicted that the original export restrictions would force job losses throughout my State, today independent producers are forced to bear the unintended consequences of that action.

The Department of Energy did do a study that many of us support, and a study where some of the conclusions, I think, may be a very compelling argument for this legislation: That oil production, because of the passage of this legislation, will increase by 100,000 barrels per day; that we will see up to 25,000 jobs being created by a result of increase in investment; we will see State and Federal revenues that will increase by hundreds of millions of dollars well into the future.

These benefits can be achieved with little if any impact on consumer prices. When Congress enacted the Trans-Alaskan Pipeline System in 1973, it did not ban exports. Rather, it recognized that exports might some day be in the national interest and as the Department of Energy studies demonstrate, that day has arrived.

Mr. Chairman, we now have an opportunity to spur additional energy production and create jobs. With imports now meeting over 50 percent of our domestic consumption because of falling production, we must do something quickly to increase energy production in this country.

Some of my colleagues have argued that this is not a good policy to allow for the export of Alaskan oil. But the bottom line is, this policy, if it is enacted, will increase the profitability, it will increase the financial viability of independent oil production, which will increase the productive capacity of oil production in this United States. That clearly contributes to increased energy independence and clearly is good policy.

H.R. 70 will enhance our national energy security, it will create jobs, and it is good policy. I urge my colleagues to vote yes on the pending legislation and against any weakening amendments.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, the principal inherent in the laws that passed in the early 1970s was a keen awareness of the need for American energy independence, or at least a greater degree of it than existed at that time.

Events that have occurred since then really increased the vulnerability and the concerns that were stated in the early 1970s. It is true that there have not been as severe embargoes as occurred in the early 1970s, but the fact is that today we are importing nearly 50 percent of our crude oil.

Those that argue in favor of lifting this ban somehow come to the logic that if somehow we export oil from the United States, in this case, of course, from the Prudhoe Bay area and from other areas on the North Slope, that

that is going to help us build independence. They argue that, in fact, the fact that we restrict the marketplace for this oil only to the United States results in lower prices in terms of Alaskan oil.

Mr. Chairman, I would remind my colleagues, and those that are interested in this topic, that, in fact, all of this oil comes principally off public lands. There may be some private lands; some State and some Native American lands.

Mr. YOUNG of Alaska. Prudhoe Bay is all State lands.

Mr. VENTO. Mr. Chairman, I would argue anyway that it is a public resource area and is something that should ensure to the benefit of our independence with regards to oil and to the leases that are present in this area.

So, the idea that there is some continuity or some connection between the lands that were in this case originally Federal lands, national lands, and that we were looking for a benefit, in fact, some greater degree of independence, and I might say, it has not come at great sacrifice, I do not think, to Native Alaskans or Alaskan citizens or those of the United States, because there are revenues and royalties that have flowed to them that the production in this area, has been, I think according to expectations, it has been good and there has been substantial benefit that has flowed to Alaskans and to others from this.

Mr. Chairman, all we are asking is that the greater degree of benefits be permitted to flow and continue to be available as a backstop of independence to the American people.

I do not think the sponsors of this necessarily have answered that particular question with regards to an increased amount of dependency on imported oil.

Furthermore, of course, at the same time we are arguing that we are arguing for greater and greater areas to be opened up, it seems to me that certainly this change in policy will add additional pressure to Federal public lands in Alaska.

I do not think that the public asks too much in terms of having the use of these Federal resources, when and if they are used, and State resources, indirectly Federal resources, when and if they are used, that there is benefit that flows to the people broadly across the country in terms of energy independence.

Mr. Chairman, we are certainly, I think, in a more vulnerable position today than we were in the 1970s. Hopefully with the conclusion of the Cold War and other activities, we would have greater independence, but I fear that we do not. In fact, many of these areas, some would argue, are even more vulnerable than they were before.

Mr. Chairman, the argument to export this oil and then at the same time to scream that there is a shortage with regards to Alaska, when 90 percent of the coast of Alaska is available for oil,

obviously will tend to put more pressure on the Arctic National Wildlife Refuge and we know the qualities and importance of that area, even though there is only a 1 in 5 chance of finding oil there, there will be greater hue and cry to put pressure on there.

Mr. Chairman, I think that those who are hurt here are the consumers. What is hurt is the environment and what is hurt in national security. The gains in terms of production for those that want the symmetry of some sort of free market in a world where there is not a free market, certainly in oil, is an illusion more than a reality. This is short-term gratification in terms of getting a few more dollars in the hands of those that sell the oil today, but long-term problems.

Mr. Chairman, I do not think that we need a policy that suggests we need to drain and develop all of our oil and resources out of this country first and export it to the Pacific rim. I think there are greater benefits that can be achieved in terms of conservation and other activities that have been spurred, rather than building up and exporting what are essentially U.S. resources and U.S. security.

Mr. Chairman, I speak in opposition to the bill.

As the sponsor of the bill to protect the Arctic National Wildlife Refuge as wilderness, I see today's effort to change the law regarding the export of Alaskan oil to the Far East as yet another way to promote the oil and gas development of the Coastal Plain of the Arctic Refuge. Ending the oil export ban would no doubt increase development pressure for sensitive areas like the Arctic National Wildlife Refuge. As long as the Arctic National Wildlife Refuge is not permanently protected as wilderness, lifting the ban on the export of Alaskan oil is a presents risk for those of us committed to the long-term protection of this special area.

The policy inherent in this measure is short term gratification revenue today but long term problems tomorrow. There are those who see no connection and argue the relationship between lifting the export ban on Alaskan oil and the desire to open the Arctic Refuge to oil development. Perhaps pointing out the publicity in the rationale behind these two proposals will help shed light on my concerns.

The rationale for lifting the export ban on Alaskan oil is that there is so much North Slope production that it can't be absorbed on the west coast. By allowing the export of the so called surplus, Alaska and the oil producers will profit by not having to expend resources and funds to ship American oil to the gulf coast. This means Prudhoe Bay oil will be exported.

The rationale for opening ANWR on the other hand is that the United States is facing a national security risk from oil imports, which now exceed 50 percent of consumption. The thinking is that the country must have Arctic Refuge oil if it's going to protect itself from exploitation. But meanwhile Prudhoe Bay oil is about to be exported.

How is it OK to export oil because there's too much being produced but there's a national imperative to drill for more because the Nation isn't producing enough? In most circles, that's talking out of both sides of your

mouth. The debate of these two issues is losing something in translation: common sense. What is really going on is that the consumer, national security, and environmental concerns are receiving short shrift, while the special oil interest get what they want: profit and public resources.

The sacrifice of Alaska's environment in the Arctic and Prince William Sound was not authorized by Congress just to make money for the State of Alaska or British Petroleum, but importantly for the national security and energy independence of the people of the United States. Today, we can look back at the true cost and impact. What works and what doesn't.

One of the most important compromises in securing congressional authorization for the construction of the Alaska pipeline in 1973 was the promise that Alaskan oil would be used only in the United States and never exported. The basis for the promise was that if we are going to sacrifice the Alaskan environment for oil production, all of the oil ought to be used for U.S. domestic consumption.

That was the view then, and it should be borne in mind today. The Coastal Plain of the Arctic National Wildlife Refuge belongs to each of us as citizens of the United States. There will never be another place like the Arctic Refuge in our national lands. Incidentally its of interest that vast stretches of Alaska's coastal waters—an estimated 90 percent—are now available for development, but those who hold the leases often delay and speculate playing the market for better prices or deals to increase their profit too often at public expense. There are many other environmental reasons to keep the ban in place that stand on their own concerning the export of Alaskan U.S. domestic crude oil.

The risk of oilspills would increase dramatically. Ships would be traveling in waters that are usually relatively free of tanker traffic but experience some of the worst weather conditions in the North Pacific. In addition, in the wake of the *Exxon Valdez* spill, Congress passed legislation requiring double-hulled tankers to reduce the risks to the sensitive coast of Prince William Sound. If the tankers for Asian trade turn out to be "U.S. flagged"—U.S. crews—but not "U.S. built"—Jones Act—then British Petroleum can avoid the requirement that new tankers be double hulled. This will save millions for BP, but increase the risk of massive oilspills like the *Exxon Valdez*.

In addition, environmental and safety problems plaguing the trans-Alaska pipeline are legion. More than 10,000 safety and electrical violations on the Alaska pipeline have been identified, many of them serious. The ballast treatment facility at Valdez is currently inadequate to handle the tankers that call on it now, and larger tankers for foreign trade would be likely if the ban is lifted.

The oil industry should not be rewarded with higher profits from shipping North Slope oil at the same time it is requesting exemptions from environmental laws. Alyeska, the corporate entity, which runs the pipeline for British Petroleum and the other oil company owners, has for years avoided proper controls and limits on air pollution caused by fumes that are released during tanker loading and recently requested a 12-year delay in meeting air pollution standards for the Nation's largest tanker terminal at Valdez. Lifting the ban would open the door to tankers twice as large. Once we

start down this path if appears that the special interests don't quit until they have circumvented most environmental laws and regulations. Lifting the ban on North Slope oil exports would increase sales and enhance revenue for many Alaskans. However, that additional income for a few of our citizens must be weighed against the concerns of the rest of the Nation. Many speculate a few more dollars if the oil is exported, but what of the 1970 promises, and who will answer when a new energy crisis arises and our domestic energy security is pledged abroad? Will we then come stumbling over one another to give short shrift to the sanctity of trade contracts in the face and name of crisis?

Mr. MILLER of California. Mr. Chairman, I yield myself 1 minute just to correct the statement by the gentleman from California who said accurately that most of the major refineries are located in the San Francisco Bay area. That is correct and they are also located in my district.

Mr. Chairman, I say to the gentleman that most of the major refineries are noncommittal on this legislation. I do have two refineries in my district that are opposed to this legislation; one which unfortunately is going to be closed by the time it passes, and the other which is concerned about its supply.

But I want to let the RECORD stand corrected with respect to the large refiners in the bay area. Most of them have been nonfactors in this.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I rise in support of the bill. Somewhere between the analysis of the gentleman from California [Mr. MILLER] and the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. THOMAS] rests the reality of this particular bill. But all of us have a dog in this fight; not just California and Alaska.

□ 1500

And there are a couple of points that I would like to point out. Current policy, by all indications, from all analysis, depresses domestic production. Lifting the ban would increase domestic production by 110,000 barrels of oil per day.

All analysis shows this policy, current policy, stifles jobs. Lifting the ban would create as many as 25,000 jobs by the year 2000.

Current policy threatens maritime jobs and functions. Lifting the ban would preserve as many as 3,300 jobs.

Current policy keeps our oil tankers on a target for a scrap heap. Lifting the ban puts those tankers back into service, U.S.-owned vessels, I might add, with U.S. crews.

Current policy limits growth. Lifting the ban would stimulate commerce and growth.

Current policy suppresses revenue and loses money in our country. Lifting the ban would raise revenue by as much as \$2 billion for State and Federal governments.

Now, I am not against Alaska doing well, and I would like to see California do well, and as the respective States in our Union do well, the Nation does well. Our policy has been flawed. Current policy is not acceptable, and this is a reasonable attempt to, in fact, increase commerce and create jobs.

With that, I will support this initiative, and as with all other initiatives be taken, as far as amendments, seriously, and my amendment, which would compel the Secretary of Commerce when confronted with problems within the industry, that it would not be discretionary, that the Secretary of Commerce would have to refer immediately to the President those issues for action.

I think the bill provides for an opportunity that those problems be addressed. So, with that, I will support the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, members of the committee, I rise in support of House bill 70. It is rare that I get a chance to speak in favor of a Clinton administration policy initiative, and I do not want to miss that chance today.

I want also to associate my comments with the gentleman from Ohio, who did an excellent job of pointing out what is wrong with current policy. The reason current policy discourages jobs, discourages domestic production, discourages the use of American bottoms and tankers and discourages the maritime jobs that, in fact, this bill will help promote itself because current law is based upon the policy of artificial restraints in the marketplace.

There is a reason why we lost almost 200,000 jobs in Louisiana. There is a reason why the oil and gas industry in America lost nearly 400,000 workers. There is a reason why so many oil and gas jobs have left this country. So many companies are, in fact, investing everywhere else in the world in oil and gas exploration and development and sales.

The reason has been artificial restraints on the marketplace imposed upon the industry by this body and by regulatory bodies here in Washington, DC.

Now, Congress has come to understand that. That is why over the last decade we have begun the process of repealing most of those artificial restraints. It was artificial price supports in the marketplace that led to the gas shortages in this country in the last several decades. It was artificial price penalties in the form of windfall profit taxes, about 90-percent windfall profit taxes, that drove so many companies outside of the arena of American production. It is still artificial restraints upon production led by environmentalists who put limits on offshore development, who will not let us develop the Arctic reserves in the Arctic wildlife

national reserve. It is still those artificial restraints which caused so many companies to look elsewhere around the world for opportunities to produce energy, and it is those artificial restraints which have put us in a position today where we are more dependent upon foreign sources of energy than ever in our Nation's history.

The White House has caught on. The administration has figured it out. The gentleman from Ohio gave you the numbers.

Removing this one little artificial restraint will do a lot of good for Alaska production, will do a lot of good for California production, will add one modicum of support for domestic production again here in this country.

There are other artificial restraints we ought to look at. We ought to look at the artificial restraints which make it almost impossible to develop many offshore areas in America, that put off limits large areas rich in hydrocarbon resources in Alaska and other areas of this country.

When we had the 5-year leasing plan before our Committee on Merchant Marine and Fisheries, when we still had a committee, the gentleman representing the administration years ago came forward to tell us there was still going to be maintained in the law moratoriums in drilling offshore. We said "Why?" He said, "Well, we are trying to identify the highly environmentally sensitive areas and the low hydrocarbon areas." We asked him, "Well, if you find an area high in hydrocarbon, low in environmental concerns, will you allow those to be drilled?" He said, "Well, not quite. We have got some of those off limits, too." He could not explain it except in politics terms.

The bottom line is politics, Federal regulations, artificial restraints have put this country in a vulnerable position today, and today we have an opportunity to at least remove one of those artificial restraints, and removing this one artificial restraint will help to some degree, will help Alaska, will help California, and in the large measure, as my friend from Ohio has pointed out, help us all in jobs again, helps us all in restoring some semblance of domestic incentive to produce again for this Nation.

This is a good bill. I commend it to you. I am proud to cosponsor it. We need to pass it and get it into conference committee. Yes, my friend from California, I hope in conference committee we begin to debate an incentive policy for deep offshore drilling.

If this country ever needs something, it is to turn around the disincentives we have had for decades and create some incentives again to produce for America. We ought to debate that in conference.

Tomorrow I will be filing a bill comparable to Senator BENNETT JOHNSTON's bill on the Senate side to do just that. It is time for us to recognize that America cannot remain dependent

upon foreign sources, that incentivizing the industry here at home makes sense, and removing artificial barriers to production, exploration, development, and refining in this country make good sense for this country, too.

I hope never again to have to vote to send young Louisiana boys and girls to war in the Persian Gulf because they could not get a job in America producing energy for this country. It is time we start turning that around.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. THOMAS].

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, I do want to underscore the fact this legislation will produce revenue to the United States, increase oil production and, in fact, produce additional jobs.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, provides figures which support all of those allegations.

Let me just for a minute or two talk about the economics of oil. I know the gentleman from Minnesota and others are absolutely flabbergasted with the logic that if you allow North Slope oil to find its economic home, that policy would, in fact, increase production in both Alaska and California and enhance national security.

To support the comment of the gentleman from Louisiana about Government getting itself involved in areas where it should not involve itself, I want to mention that just a few years ago, Congress in its wisdom passed a so-called windfall profits tax. That did not produce one penny of windfall profits in my area. What it did do was destroy a portion of the oil production in my area.

For example, I talked about heavy oil being produced in our area. You have to heat boilers to drive steam into the ground to allow this heavy oil to come to the surface. There were a number of small refineries that would take the crude oil across the street, down the road from where it was produced. They would refine it only lightly, pull the lights off the top, sell kerosene and other lights at a profit, send the fuel oil or bunker oil back to the boilers to be burned. That was a really nice working arrangement that gave people some jobs and enhanced the oil's value.

When the windfall profits tax was passed, since you were charged a tax if that crude oil left your property, what happened was the producers burned crude oil in their boilers. We did not get the small refineries pulling the lights off. They went out of business. We, in fact, produced fewer Btu's with the dirtier residue because Government told them that was the way they were supposed to conduct their business. It did not tell them directly to do that, but the economics of the situation dictated it.

I would tell the gentleman from Minnesota it is not logic, it is economics

that we are dealing with here. When you tell people in Alaska they can only sell their oil to the lower 48, it means Washington, Oregon, or California. You cannot sell it to the East Coast, because that oil would have to pass through the Panama Canal and go by the second largest producing State in the Union, Texas, and the fourth largest oil-producing State in the United States, Louisiana, before it got to the East Coast.

Oil is a fungible commodity around the world. Contrary to what the gentleman from Connecticut said, we are not saying this oil has to be sold to anybody. That is the old policy. The new policy in H.R. 70 is it will find its economic home. If Californians or Washingtonians bid more than anybody else, it will come to the lower 48. If Japan bids more, it goes to Japan. Japan needs the oil. They would have paid sufficient price to get it.

Where were they getting oil before that? Probably from the Middle East. The oil going from the Middle East to Japan now does not go to Japan. The Middle East folks are looking for a home for their oil. They will turn toward Europe. The oil going to Europe, you see, from the Middle East now puts a pressure on the European oil in the North Sea. That North Sea oil needs to find a home. Guess what, it can go right across the Atlantic to the East Coast. You can wind up getting more oil at a cheaper price on the East Coast if you open up the whole question of where oil goes.

Do not send it where the Government wants it to go. Send it where economics should have it go. You will produce more oil in California, you will produce more oil in Alaska, and we will be more energy self-sufficient.

Mr. MILLER of California. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I praise my colleague from California, Mr. MILLER, who has been a long player in this issue of the protecting of the environment on the California coast.

But I rise in support of this bill. Although some environmentalists oppose ending the ban, the Department of Energy study shows that, indeed, if you lift this ban, it will have an environmental benefit for the State of California. The only ban on exportation of oil in the United States drilled anywhere where there is oil is on Alaska, and because of that ban to foreign countries, it must come to California. It comes in supertankers down the west coast, and when the Alaskan oil spill occurred, we took a look in the State of California about what would it mean if we had a spill like that magnitude on the coast. The area most vulnerable to a spill is the district I represent, along Big Sur and the Santa Cruz-Monterey Bay coastline. The resources along that coastline are so valuable you could not put a price tag on them.

It became of interest to a lot of people to say, "Look, how can we mitigate

any issue relating to oil tanker traffic in creation of the National Marine Sanctuary?" They have asked the tanker carriers to go out to 60 miles. One of the carriers, ARCO does that on a regular basis because a 60-mile buffer on the coast gives them at least some buffer zone if any accident should occur.

So, by lifting this ban it essentially says that oil can be exported where there is a market, where the refineries are.

Japan is the logical buyer of that oil and the processor of that oil.

So I rise in support of this issue. From an environmental standpoint, I think it is going to be a better management of the delicate resources along the coast, and there is a secondary benefit, and that is that California is a large oil-producing State. Monterey County is a very environmentally sensitive county. It has the fifth largest oil-producing field in the State of California.

So if we increase the oil production onshore, which the environmental community has already indicated we ought to go onshore before offshore, and I have led successful battles to prevent offshore oil drilling, we will, indeed, allow more onshore production, which will increase the local revenues and be a benefit to the local counties.

This is a win-win for jobs for California, revenues for the counties, for the environment. I support this bill.

Mr. Chairman, ending the export ban for Alaskan oil is clearly a critical issue for the State of California. Hundreds of thousands of barrels per day of Alaskan crude come to California, with profound effects on California's oil market. I support this committee's efforts to examine in greater detail the effect of this current practice, and the possible ramifications of ending the ban on Alaskan oil exports.

Many have discussed ending the ban in terms of its economic effects. This is clearly an important factor: California is the third largest producer of crude in the United States, and any change of policy which benefits California oil producers will have a profound effect on California's economy, job creation in the region, and tax revenues at both the State and Federal level.

In addition to economic effects, however, we must also examine how ending the oil export ban would affect both the natural environment and U.S. workers. Ending the ban may be beneficial for both the environment and employment if it means less oil tanker traffic along the California coastline, less pressure to develop in the Arctic National Wildlife Refuge, and secure shipping jobs and increased employment in California.

In reviewing H.R. 70, we should take into consideration the testimony not only of those who are experts in the field, but those who would be most affected by removing the ban. I appreciate the testimony of those who have come before the committee today, including Deputy Secretary William White from the Department of Energy, representatives from labor organizations, and members of the California oil industry. I look forward to further debate in the committee on this important legislation.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. In responding to my friend from California, who said this is not logic, it is economics, I would probably just say I could rest my case at that particular basis.

But the fact is I understand that the oil is restricted to the continental United States, that the price of the oil is impacted, but I think that is a trade-off in terms of the issue of energy security.

We have gone through quite a bit of expense, whether it is Strategic Petroleum Reserve and other efforts.

I can hardly wait for the next time that we have a crisis and we will be tripping over one another here to deal with the so-called sanctity of contracts in terms of free markets. There is not a free market in oil.

□ 1515

It is greatly impacted by a variety of different nations that have, in fact, conspired on a regular basis to try to limit and to raise the price. I know that it is very important to some in the Chamber here to raise the price of oil. They see it as a benefit in terms of exploration and development, to put it kindly. There are others that might see it as some more money in their pocket, to put it not so kindly.

So I would just suggest this policy is actually working. I appreciate the fact that oil tankers might spill oil if they are carrying it close to coast, and better to develop it on coast. We are really running that risk, and we face that all the time.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise today to speak on H.R. 70, a bill that amends the Mineral Leasing Act to permit exports of Alaska North Slope oil. Since 1973 when Congress enacted the Trans-Alaska Pipeline Authorization Act in wake of the Arab-Israeli war and the first oil embargo, ANS oil has been dedicated solely for domestic uses, as has been pointed out.

Over 20 percent of the oil produced in the United States, which currently amounts to about 1.6 million barrels a day, comes from the Alaska North Slope. The oil is transported by tankers, as has been indicated, to refineries on the West Coast, Hawaii, and other domestic destinations. The tankers that ship ANS oil are required under the Merchant Marine Act of 1920—Jones Act—to be U.S. built, flagged and crewed, which I strongly support.

Mr. Chairman, my primary concern with exporting ANS centers on its effects in Hawaii, as my colleagues can well imagine. Hawaii was an energy market that is uniquely different from all the other States in the Union. The State of Hawaii depends on imported oil for over 92 percent of its energy supply, a large share of which comes from



Alaska. Currently, Hawaii leads the Nation in energy costs. A recent survey found that the average price for a gallon of gasoline in Hawaii was \$1.76. The nationwide average was \$1.33.

In June 1994, the U.S. Department of Energy released a study which has been mentioned as well. It is my understanding that the study concludes that permitting exports would benefit the U.S. economy which I do not propose to debate, yet Hawaii was not even mentioned in the report. Thus, any attempt to make assumptions on Hawaii's consumers and economy based on the DOE study would be inaccurate and perhaps misleading. I was pleased to note during the committee process the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, has been very willing to accommodate the concerns raised by myself on behalf of Hawaii consumers. At this point, I would like to enter into a colloquy with the gentleman from Alaska regarding an amendment I offered in the committee.

As the chairman will recall, during markup, the Committee on Resources adopted by voice vote an amendment very important to the citizens of Hawaii. As further modified and improved under the committee print, the amendment would ensure that, before making the required national interest determination, the President would specifically consider the likely impact of Alaskan oil exports on consumers, especially in Hawaii and Pacific territories. Because Hawaii has an energy market that is unique and depends on imports for over 92 percent of its energy supply, a large share of which comes from the Alaska North Slope, it is essential that the President satisfy himself that exports will not harm consumers. I understand the chairman shares my concerns and would be willing to work with us in the future should any unanticipated problems develop.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman on his hard work brining this to my attention. The gentleman is absolutely correct. The committee has been very sensitive to the concerns of the consumers of Hawaii as a result of the actions from the gentleman. Knowing of these concerns, I supported his amendment in committee and further revived the text of the committee print to insure that the President will consider the impact of proposed exports on consumers in noncontiguous States before making his national-interest determination. As the gentleman will recall, the committee print also established a mechanism for the President to monitor supply and price developments. The committee print provides the President with the power to modify or revoke the authority to export in appropriate circumstances.

Again let me assure the gentleman from Hawaii [Mr. ABERCROMBIE] that it is in the intent of this legislation to cause no harm to consumers in Hawaii. I will be glad to work with him in the future to address any problems that arise but otherwise cannot be adequately addressed in the procedures included in our legislation.

Mr. ABERCROMBIE. Mr. Chairman, may I say in conclusion to the gentleman from Alaska that Hawaii and Alaska share unique difficulties and opportunities, and I am very pleased to be working with him.

The correspondence between myself and the Department of Energy regarding Hawaii's energy situation, clarifying the intent of the amendment, and the understanding that the Department of Commerce monitoring responsibilities required in H.R. 70 evaluate consumer impacts will be included in the RECORD:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 6, 1995.

Hon. HAZEL R. O'LEARY,  
Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR SECRETARY O'LEARY: On May 17, the House Committee on Resources reported H.R. 70, a bill that amends the Mineral Leasing Act to permit exports of Alaska North Slope oil. The committee reported substitute contains an amendment which I offered that was adopted by voice vote. The purpose of the Abercrombie amendment is to require the President to make a determination prior to the exporting of crude oil from the Alaska North Slope that the activity will not have an effect which is likely to harm consumers in noncontiguous states.

Hawaii has an energy market that is uniquely different from the other states in the Union. The State of Hawaii depends on imported oil for over 92 percent of its energy supply, a large share of which comes from Alaska. Currently, Hawaii leads the nation in energy costs. A recent survey found that the average price for a gallon of gasoline in Hawaii was \$1.76. The nationwide average was \$1.33. In addition, the neighbor islands already have some of the highest costs in terms of electricity production. In particular, Maui and the island of Hawaii rely heavily on fuel oil processed from the Alaska North Slope.

In June 1994, the U.S. Department of Energy (DOE) released a study on "Exporting Alaskan North Slope Crude Oil: Benefits and Costs." It is my understanding that the study concludes that permitting exports would benefit the U.S. economy. Yet, Hawaii was not even mentioned in the report. Thus any attempt to make assumptions about Hawaii's consumers and economy based on the DOE study would be inaccurate and misleading.

Senator Murray offered an amendment that contained language similar to the Abercrombie amendment. The Murray amendment requires the President in consultation with the Attorney General and the Secretary of Commerce to examine the effects of exporting crude oil on independent refiners and adverse employment consequences in the United States. The Murray amendment was adopted in the Senate. However, there was not sufficient time to review the Senate language prior to the mark-up of H.R. 70 in the House Committee on Resources. In addition, the Murray amendment did not address harm to consumers.

As you may know, the Dooley/Tauzin substitute to H.R. 70 was not available until the day before the full Committee mark-up preventing any consensus on final language of the Abercrombie amendment. The Abercrombie amendment is a work in progress that was written to protect consumers in non-contiguous states. The language contained in the Abercrombie amendment was adapted from the testimony of William H. White, Deputy Secretary of Energy, presented to the Committee on May 9. As a result, I would greatly appreciate the Department of Energy's interpretation and analysis of the Abercrombie amendment prior to the consideration of H.R. 70 by the House of Representatives. A copy of the amendment is enclosed for your review.

Also, it is my understanding that the Secretary of Commerce, under the authority of the Export Administration Act, will administer the export license of Alaska North Slope crude oil. It is vital that one of the conditions attached to the export of crude oil at the front end include a proviso that the activity will not have an effect which is likely to harm consumers in noncontiguous states. As currently contained in H.R. 70, I would like a written explanation of the mechanisms and criteria to be utilized by the Department of Commerce in the continual monitoring process regarding the export of Alaska North Slope oil as it relates to consumers, particularly as it pertains to consumers in noncontiguous states.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

NEIL ABERCROMBIE,  
Member of Congress.

Enclosure.

On page 2, insert after line 6 the following:

(C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous states.

THE DEPUTY SECRETARY  
OF ENERGY,  
Washington, DC, June 30, 1995.

Hon. NEIL ABERCROMBIE,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: Thank you for your letter of June 8, 1995, to Secretary O'Leary on the subject of Alaska North Slope (ANS) crude oil export legislation now under consideration in the House.

The Department of Energy certainly is aware of Hawaii's dependence on petroleum for nearly all of its energy needs. Although we did not consider the impacts specific to Hawaii of permitting ANS exports in our 1994 report, we have followed and will continue to follow Hawaii's energy situation, including consumer prices for petroleum products, with data collected and published by DOE's Energy Information Administration (EIA) and with other privately collected statistics. Our recent review of Hawaii's energy situation shows the magnitude of the State's heavy reliance on oil, and some of the possible implications of exporting ANS crude oil:

Petroleum products refined at the State's two refineries provide about 98 percent of Hawaii's energy needs. Alaskan North Slope crude oil provides 45 percent of the crude oil supply to these two refineries.

Hawaii consumes about 125,000 barrels per day of petroleum products distributed among

residual fuel oil (38%), jet fuel (22%), gasoline (20%), No. 2 fuel oil (12%), and other products (8%) (See Figure 1). Residual fuel is the largest petroleum product because most of Hawaii's electricity is generated using this product.

Gasoline consumption in the State is about 25,000 barrels per day. Gasoline prices in Hawaii are substantially higher than California and the national average, while the prices of other petroleum products are only slightly higher (See Figure 2). The differences in prices appear to represent competitive conditions in Hawaii: private citizens depend on gasoline that is supplied by only two refiners while commercial and industrial consumers can obtain other products from multiple sources.

The impact on Hawaii's consumers from a change in the ANS export situation should be modest. If West Coast ANS oil prices rise by \$1.20 to \$1.60 per barrel (3 to 4 cents per gallon) as estimated by the DOE in its June 1994 export study, and ANS crude oil remains 45 percent of Hawaiian refinery supply, the additional production cost amounts to about 1.3 to 1.7 cents per gallon of product.

If past performance is any guide, this additional cost to the Hawaiian economy will have negligible impact. Figure 3 indicates that Hawaii's economic growth has been relatively insensitive to crude oil prices. Between 1977 and 1981, oil prices more than doubled, yet Hawaii's gross state product growth substantially exceeded the national average. Even during the latter part of the 1980s through 1992, when crude oil prices were again volatile, Hawaii's economy grew faster than the U.S. as a whole.

Your amendment to H.R. 70 would add a third factor that the President must consider in determining whether permitting exportation of ANS crude oil is contrary to the national interest. Specifically, the amendment would require consideration of whether those persons exporting ANS oil would be likely to engage in anticompetitive activity that would cause significant adverse employment effects in the U.S., or substantial harm to consumers in Hawaii. Full consideration of these important issues is consistent with a determination concerning our national interests in permitting ANS exports.

It is our understanding that the Department of Commerce, in carrying out its monitoring responsibilities under H.R. 70, will coordinate closely with DOE. In particular, the agencies would monitor readily available petroleum market data for possible oil supply shortages or sustained above-market oil prices, and evaluate the consequential consumer impacts, in Hawaii and elsewhere in the U.S. It is our expectation that the two agencies will rely on data collected by EIA, the Bureau of Economic Analysis, the Bureau of Census, and private organizations.

We look forward to working with you and your staff further on this important issue.

Sincerely,

BILL WHITE.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to this foolish attempt to sell out America's resources and put our marine life, our fisheries, and our air at serious risk.

Mr. Chairman, I represent 140 miles of Marin and Sonoma County coastline in California—beautiful coastline with valuable marine resources, which would be permanently destroyed, if those who want to sell out our Nation's natural resources to the special interest have their way.

Lifting the ban on Alaskan oil exports poses significant environmental risks without offering any benefits. Not only would this bill put pristine Alaskan wilderness and valuable fisheries at risk, it would also increase the risk of devastating oil spills off the California coastline.

Mr. Chairman, this is simply not tolerable.

The people of my district will not stand for such short-sighted and dangerous policy as proposed by this bill. We cannot permit our coastal waters to be fouled by the damaging effects of oil drilling and transportation. We cannot put our marine life, our fisheries, and our air at serious risk.

I urge my colleagues to join in the effort to stop the sell out of our precious resources—our livelihood and our environment—by voting against this bill.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 10 seconds before I yield to the gentleman from Pennsylvania [Mr. GEKAS].

I am amazed that the previous speaker would talk about the environment when in reality she has the tankers going right by her front door—of Alaskan crude oil that can possibly spill—and that is what this report says, so I cannot quite figure out the analogies of why are supposed to be environmentally safe to paint those big ships by their front door and yet say they are going to protect their coast. I just cannot figure that.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, when I first came to the Congress, I had to explain time and time again to different entities in our constituency why we are 50 percent, back then, dependent on foreign oil for our standard of living here in this country. So I started the litany of explanations. We used to have oil depletion allowance, I said. Now that has been wiped off the books. That gives a disincentive for people, our fellow Americans, for drilling for oil in our own soil. I said on top of that that we have a ban on Alaskan exports and a ban on fullest development of Alaskan oil resources, and I went on to say, and then there is a ban on offshore drilling.

Now my colleagues can understand why I said back then why we are 50-percent dependent on foreign oil.

Now what have we done since then?

We have come to a point where we are 52-percent dependent on foreign oil. So the only question that should be raised and asked by Members of Congress as they approach the vote on this piece of legislation is this: Will our dependence on foreign oil increase or decrease as a result of this legislation?

Vote "yes" on the bill offered by the gentleman from Alaska.

Mr. FAZIO of California. Mr. Chairman, I rise in support of H.R. 70 to lift the ban on Alaskan

oil exports. This legislation will encourage oil production in my home State and in Alaska in a reasonable fashion. To promote jobs and energy security, I urge my colleagues to vote yes.

Congress was appropriately concerned in 1973 about ensuring that Alaskan oil be available for domestic consumption. Given the fundamental changes that have occurred in the world market, however, the time has come to evaluate this policy in a new light.

Among the changes in the world oil market is the diminishment of OPEC and its power over the price of oil. This has helped to diversify our supplies from other countries such as Mexico and Canada. We also have taken the precaution of building up the strategic petroleum reserve to protect us against the monopolistic threats of the 1970's.

Now is the time to be concerned about our domestic energy production and ensuring that small independent producers remain viable. In order to ensure that these small producers, particularly those in California, maintain production and create jobs that need a better economic return on their investment.

I urge my colleagues to support this measure which is a step toward improved national security and sustainable domestic production.

Mr. POSHARD. Mr. Chairman, I rise in strong support of this legislation and salute the authors for their hard work in bringing it to the floor for a vote today.

I am a cosponsor of the bill, and, in my capacity as cochair of the congressional oil and gas forum, have supported lifting the ban on Alaskan North Slope oil. I also thank the administration for its support of the legislation.

Our domestic oil and gas industry is working hard to survive in a highly competitive marketplace. In the 19th Congressional District of Illinois, which I am privileged to represent, we have independent operators who are struggling mightily to run their businesses in a profitable manner. The difficulties encountered by this industry have impacted on the small towns and villages in our area which are very dependent on the oil industry for jobs and economic activity.

Lifting the ban on ANS oil will help create new jobs and will also bring revenue into the Federal treasury. That is a combination which is worthy of support and I strongly encourage my colleagues to vote in favor of lifting the ban.

Mr. CALVERT. Mr. Chairman, I rise to join my colleagues in support of H.R. 70.

Whether or not the ban on Alaskan oil exports made sense in 1973, it is having harmful and unintended consequences today. This ban has effectively forced Alaska to sell the bulk of its production in my home State of California and has severely damaged our oil and gas industry.

Left in place, the ban will ensure a further decline in the production of crude oil in Alaska and California, resulting in thousands of lost jobs.

For the small businesses that make up the bulk of the oil and gas industry in California, this legislation is vital to their future. If they can sell heavy crude oil into a market that no longer is distorted by artificial restraints, they will have a future producing oil.

In recent weeks, prices have been edging down. Today, Kern County heavy crude was posted at \$13.75 a barrel.

We need to do something to help get them back to the levels at which significant investments will be made.

Many of the independent oil producers have told me they will begin hiring the minute this bill is enacted. So the potential for job gains is quite real.

I strongly urge my colleagues to support H.R. 70 and provide the oil and gas industry of my State with relief.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 70, to lift the current ban on Alaskan oil exports.

During the late 1970's, worldwide concern over crude oil shortages prompted our Government to change its policies regarding the domestic production of oil. World oil markets have changed dramatically since then.

Although the perception persists that we are dependent on oil from Iran, Iraq, Libya, and other hostile countries, Canada and Mexico, our reliable neighbors to the north and south, are among our largest suppliers of imported oil today. In addition, to avert the unlikely event of a future oil crisis, we have placed nearly 600 million barrels of oil in our strategic petroleum reserve.

While we have done much to prevent an oil import crisis, little has been done to encourage domestic oil production and sales abroad. By lifting this ban, we would allow the market to determine the price and buyer for surplus crude oil. We would also promote increased international trade during a time when our trade deficit continues to widen—a deficit partly based on our massive importation of fossil fuels.

According to a study completed by the Energy Department, lifting the export ban would increase our production of crude oil by as much as 110,000 barrels per day. This increase would also result in increased revenue, as much as \$2 billion, for Federal and State governments. According to the Department, 25,000 jobs in the oil industry would be created and over 3,000 jobs in the maritime industry would be saved. Ultimately, the lifting of the ban will lead to sustained economic growth for the State of Alaska and the Nation.

It is time for the Federal Government to take action to increase our opportunities abroad and to increase investment at home. This legislation achieves these goals. I urge my colleagues to support and end to the ban on Alaskan oil exports.

Mr. METCALF. Mr. Chairman, I rise in opposition to the bill.

Does anyone really believe that exporting oil from the United States will decrease our dependence on foreign oil? It will increase our dependence.

It was argued that current law has produced a glut of gasoline on the west coast. We haven't noticed. I simply do not believe that my constituents are paying too little for gasoline. I paid \$1.42 a gallon for unleaded gas last Saturday in Everett. We have endured a gasoline price increase of more than 20 cents in the past several months.

The United States is clearly dependent on imported oil. But if we don't have enough oil here, why are we selling oil to nations in Asia? Who do you think is going to profit from these exports? A foreign corporation, British Petroleum, will profit handsomely—as will Alaska.

While the benefits of exporting this oil are being debated in corporate boardrooms, I fear my constituents may have to pay even higher prices at the pump.

Mr. Speaker, this bill just does not make good sense in Washington State. Further, because of possible price increases, it does not make sense anywhere on the Pacific Coast. I predict that we will not have adequate supplies of oil for west coast refineries, at prices we'll be comfortable with. I intend to vote "no" and urge my colleagues to do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong opposition to H.R. 70. Lifting the ban on Alaskan North Slope [ANS] crude oil will heavily burden the State of Hawaii by augmenting U.S. dependence on foreign oil and dramatically increasing consumer prices. Because Hawaii consumers already pay the highest gasoline prices in the Nation, to allow gasoline prices to increase further would be disastrous for Hawaii's economy.

Industry experts say that lifting the ban could increase wellhead prices for ANA by more than \$2 per barrel, depending on the amount exported. Oil refineries in my State are designed to run on 60-percent crude oil. More than half of the crude oil processed in Hawaii's largest refinery run by BHP Petroleum Americas [BHP] is ANS crude, with the remaining coming from Pacific Basin countries. BHP states in a letter to me that should Hawaii's refineries be charged increased costs for ANS, "Refiners will be forced to pass along that increased cost to consumers." The letter further states, "In addition to paying increased prices, the supply of ANS crude oil to Hawaii and the U.S. Territories would be reduced." The removal of the ANS export ban would be expected to increase the supply of ANS crude to Pacific rim countries—oil that would otherwise come to Hawaii. It is highly irresponsible, in a time when the United States is importing nearly half of its petroleum, that American export policy would be changed to allow increased exportation of domestic crude oil.

Similarly, this legislation would burden west coast States by increasing consumer prices for those States and abandoning these States in their need for domestic oil. According to BHP, "If the ban were lifted, we believe we would see no increase in U.S. oil production but we would see an increased U.S. dependence on Persian Gulf oil." Because foreign-owned British Petroleum [BP] holds the monopoly on the sale of ANS crude oil to the west coast, and these States have no substitute supplier, BP would have the ability to squeeze availability of ANS to these States and charge higher prices to refiners. West coast refineries, like Hawaii refineries, do not have the capacity to simply absorb these increased costs and will be forced to raise their prices.

Last, lifting the ANS export ban poses serious environmental concerns for the Pacific Basin. New export routes from Alaska to Japan would jeopardize the safety of Pacific fisheries and conservation areas that could be subject to *Exxon Valdez*. Growing demand for ANS crude oil would also increase harmful drilling, especially within the Arctic National Wildlife Refuge. In 1973, when Congress voted to allow ANS oil production, I voted for this export ban that ensured that such oil exploration and development would be for domestic purposes only. An overturn of the ban is an outright abrogation of Congress' original intent regarding the ANS oil supply.

I urge my colleagues to cast their votes in opposition to this harmful, shortsighted legislation which would have tragic effects for the

Nation as a whole, and especially for the State of Hawaii.

The CHAIRMAN. All time for general debate has expired. The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of question shall not be less than 15 minutes.

The clerk will designate section 1.

The text of section 1 is as follows:

H.R. 70

#### SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended—

(1) by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL.

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be exported unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

"(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States;

"(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of the enactment of this subsection; and

"(C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous States.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The

President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over a right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.";

and

(2) by striking subsection (u).

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute  
Offered by Mr. YOUNG of Alaska: Strike all after the enacting clause and insert the following:

#### SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the na-

tional interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exports of this oil or under Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271-76).

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of this title 5, United States Code."

#### SEC. 2. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of

energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review two years after the date of enactment of this Act and, within six months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to offer an amendment in the nature of a substitute. The substitute has the support of the administration and many other interest groups.

The amendment brings the bill in conformity with title 2 of S. 395. In a nutshell, it would, among other things:

Allow exports to be carried in U.S.-flag, U.S.-crewed vessels.

Require the President to make a national interest determination.

Require the President to conduct an environmental review, as well examining the effect of exports on jobs, consumers and supplies of oil.

The President could impose terms and conditions other than a volume limitation.

The Secretary of Commerce would be required to issue any rules necessary to implement the President's finding within 30 days.

If the Secretary found drastic oil shortages or price increases, he could recommend actions, including modification and removal of the authority to export.

Actions under this bill would not be subject to traditional burdensome notice and comment rulemaking requirements.

The President would retain his authority to block exports in times of emergency.

Finally, the substitute would also require the GAO to prepare a report assessing the impact of ANS exports on consumers, independent refiners, shipbuilders and repair yards.

I urge support for the amendment in the nature of a substitute.

AMENDMENT OFFERED BY MR. TRAFICANT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: On page 4, line 5, strike "may" and insert "shall".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the language in the bill gives the Secretary of Commerce the discretion when the Secretary, for example, would define under section 1, clause 5, if the Secretary would find that an anticompetitive activity by a person exporting crude oil under the authority of this subsection has caused crude oil supply shortages or sustained crude oil price significantly above world market levels and would further find that these supply shortages or increases of prices have caused adverse employment effects in the United States, that the Secretary of Commerce, in consultation with the Secretary of Energy, may, may recommend to the President appropriate action against such person, et cetera. The Traficant amendment says that this should not be a discretionary process, and when the Secretary uncovers and discovers this type of an adversary impact from this legislation, that the Secretary shall, in fact, recommend to the President, not may in fact recommend.

I do not want the decision of whether or not to take action to be left to the discretion of some bureaucrats in the Commerce Department. If American jobs are being lost or subject to an adverse impact, the Secretary under this legislation should be required to, in fact, take immediate action.

That is the general nature of the legislation. It is simply changing the discretionary may to a compelling shall in that regard.

Mr. Chairman, I yield to the distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I am so impressed that the gentleman from Ohio has made me accept his amendment with great happiness and joy. It makes great sense. We should have put it in to begin with, and I thank the gentleman for offering it.

Mr. Chairman, we do accept the amendment.

□ 1530

Mr. TRAFICANT. I yield to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I want to commend the gentleman from Ohio. The gentleman has worked with us on a number of amendments, and it was a pleasure to operate in a process of discussion, in which we were trying to perfect amendments, instead of trying to create an amendment that would gut the bill. I want to thank the gentleman for his cooperation.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG]?

AMENDMENT OFFERED BY Mr. GEJDENSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY Mr. YOUNG OF ALASKA

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 3, line 8, add the following after the period: "In the event that vessels so documented cannot be used to transport any of the exported oil, the authority granted by paragraph (1) shall terminate immediately."

Mr. GEJDENSON. Mr. Chairman, I would hope the sponsors of the bill would support this amendment. This amendment takes them simply at their word that their confidence that American crews and bottoms would be used to export this oil will in fact become the case. Under the legislation, it is their argument that they will use American merchant mariners to ship this oil.

What this amendment simply says is that if under any of the international agreements that we have, that this provision is struck and American bottoms and merchant mariners are not used, that would stop the shipment of the oil until we could resolve this issue.

Part of the way the proponents of this legislation have been able to sell this, at least to some of the Members of this House, is by convincing them that Americans will move the oil. They assure us continuously that that will withstand any challenges.

Well, if they are that confident that they are going to be able to fulfill this pledge, then I would hope the gentleman from Alaska [Mr. YOUNG] would be willing to accept this amendment, unless, of course, he is not confident that the language in the legislation will withstand any and all legal challenges. If that is the case, then the gentleman is also telling Members of this body something about this legislation and the commitments within.

Again, Mr. Chairman, I say that this is dangerous legislation. It endangers our national security, and it endangers the environment.

The gentleman from Alaska is doing the right thing as an Alaskan, possibly. It will benefit the State of Alaska; it will benefit oil companies, without any question, around this country. It does

not work in the best interests of the United States, and it is questionable whether it will work in the best interests of American mariners, in that unless we are hearing there is support for the amendment, I would have to be left with the impression they are not even confident that this small commitment to American workers will be sustained.

Mr. Chairman, this bill, H.R. 70, requires that all ships exporting Alaska oil be U.S.-flag ships.

That provision in the bill is a clear response to the concerns raised regarding the employment of American merchant mariners.

In this bill, British Petroleum makes a deal with U.S. merchant mariners: Congress will allow the export of Alaska oil and you, American workers on ships, will continue to have jobs on the ships carrying the oil abroad.

I would hope that the sponsors of this bill would support the amendment that I am now offering.

My amendment simply ensures that U.S. merchant mariners get the protection the bill's sponsors say they intended to provide.

This is a very simple amendment.

Under this amendment, should British Petroleum as the leading exporter of Alaska oil, (or anyone else) renege on its commitment that ships exporting Alaska oil be U.S.-flag ships, then Alaska oil could not be exported.

So, if British Petroleum does not fulfill its end of the bargain with Americans working on ships carrying Alaska oil, then such oil cannot be exported.

For example, if the U.S. Government and British Petroleum abandon the U.S.-flag requirement because it interferes with a treaty or other international obligation, then Alaska oil could not be sold abroad.

Alaska oil could still be sent to California and other domestic destinations where U.S. seamen would have jobs in the ships carrying the oil.

If the commitment in the bill to American merchant mariners is real and enforceable, then the proponents of the bill should wholeheartedly support this amendment.

After all, the amendment is only ensuring that their commitment to these working Americans is fulfilled.

The bill's proponents have minimized the potential problems with complying with the commitment to American merchant mariners.

They have said that our international trade obligations are not violated and that there will be no problem complying with the requirement that ships carrying Alaska oil be U.S.-flag ships.

If that is the case, then they should support my amendment.

If there is a risk with compliance, and those wanting to export Alaska oil cannot fulfill their end of the deal, then American workers should be protected.

Once again, I am hopeful that the supporters of this bill would support this amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would rise in support of this legislation. As the gentleman knows as a member of the committee, when we

discussed this legislation in committee, this was one of the major tenants of the acceptance of this bill, I think on a bipartisan basis, was that this oil would be carried in American transportation and would provide jobs for those individuals who are currently engaged, and hopefully if production is increased under this legislation, that were engaged in the transportation of oil now to the lower 48, they would continue to be utilized.

Some people have suggested that that would raise trouble with international trade agreements. If that is the case, then we have to rethink what it is we have told people the benefits of this legislation will or will not be. Certainly we would have to rethink the arrangement by which we are then engaging in the export of that oil, should that ever happen.

I think the gentleman's amendment is a good fail-safe amendment for those who have been supporting against their historical positions of opposition to this legislation, that they would in fact be protected and that a deal is a deal, as the gentleman has said. I would hope that we would support this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is a very mischievous amendment. Just think of the term "terminate." Terminator I, Terminator II. This is exactly what this does to the bill. Let us not kid ourselves.

The bill is very self-explanatory. It says exports will be only on U.S.-crewed, U.S.-flagged vessels. That is in the bill. If it is not on U.S.-crewed or U.S.-flagged vessels, in fact there would be no oil export.

What happens? Let us say that all the vessels for some strange reason became totally occupied, absolutely occupied, and we had to move the oil because the storage was not available, and we put it on one ship that was not, then the whole thing is terminated. We might as well go home. That is really what it does. Look at that word "terminate," very smartly put in there.

I want to suggest this amendment, as I say, is very mischievous and, by the way, not supported by any of the maritime unions. We worked closely with the maritime unions, closely with the Shipbuilding League, very closely with everybody involved in this issue, asking for their input, asking for their suggestions, and we have suggested very nearly everything they have suggested within the realities of other laws, such as GATT, international trade, et cetera, et cetera. We have done that.

To have this amendment offered at this time, very frankly, with all due respect to my good friend from Connecticut, it causes me great, great anguish to have this presented as one that says well, this is just another fail-safe part of this bill. As a backup to what you say, it says it in the bill. The bill is very clear. It is there.

By the word "termination," it is absolutely a killer amendment, and I urge that it be defeated.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would be happy to find other terminology for the gentleman. But the basic issue here is in the gentleman's legislation there is no remedy for American workers and American shippers, if that rule is out.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, there are all kinds of remedies, the Secretary of Commerce, the President of the United States, the Congress itself. Let us not kid ourselves. There are so many safeguards in this. This is the only State in the United States that has this ban put upon it.

This is a mischievous amendment. I do not blame the gentleman. The gentleman did not support the bill in the committee, he talked against the bill in the general debate, he wants to defeat the bill, and I understand why he offers the amendment. I compliment him for that. This is a mischievous amendment that should be soundly defeated.

Mr. THOMAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the chairman of the committee indicated, we worked with a number of Members to either resolve their concerns about the bill or worked with them on the amendments that they proposed. The gentleman from Ohio, the gentleman from Hawaii, the gentleman from Washington are good examples.

The rule underlying this debate indicated that to the extent possible, we wanted people to preprint their amendments in the CONGRESSIONAL RECORD. Obviously, the gentleman from Connecticut, for whatever reason, did not make the preprint date. I saw this amendment just a few moments ago, and, of course, we are trying to figure out exactly what it means.

Apparently in the gentleman's amendment, and I will assume that the gentleman is offering it in good faith, if there is any deviation from the U.S.-flagged, U.S.-staffed ship, the entire legislation is terminated immediately.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I will be happy to change the language.

Mr. THOMAS. Mr. Chairman, reclaiming my time, I would have loved to have worked with the gentleman over the last 3 months that this bill has either been in front of the committee, of which he is a member, as the ranking member pointed out, and to which he did not offer this amendment or any of the last several weeks after the bill passed the committee when we were working on the legislation, if he felt this burning desire to come up

with the proposal or any time last week when he knew this was possibly to be scheduled for floor debate. He did not seem to want to work on an amendment at that time. But now, not only at the 11 hour, but half past midnight when we are debating the bill, he comes to the floor and says he has an amendment on which he would like to work with us.

What you need to know is that the exceptions in the bill cover all situations. U.S.-flagged and staffed vessels are required, with the exception of cases covered in any international agreements that we have entered into prior to 1979, and under the provisions of the Oil Emergency Act because, as you will recall, a number of nations were concerned about their ability to get oil if the unstable area of the Middle East, as the gentleman from Connecticut described it, actually denied them oil. We have a number of agreements on an emergency basis in which we will move oil on an as-needed basis.

Obviously the President in his wisdom, in trying to assist nations who are being crippled by someone else's oil blackmail, will certainly take into consideration this legislation. But the President as Commander in Chief and the President of this country will make decisions as he sees fit in times of emergency.

It is absolutely ludicrous to offer an amendment at this time that says if you do not stick to one provision of the bill, notwithstanding the emergency provisions or the international agreement provisions, that the act itself will terminate.

I think we need to read the amendment the way in which I now believe it was presented, and that is as a pernicious amendment by the opponent of the legislation in an attempt to not only weaken it, but indeed to defeat it.

I would ask that we reject the gentleman from Connecticut's first amendment, as I understand it.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I think there are some fundamental issues here being avoided. First, it is clearly not half past midnight. It is about 20 of 4. It is the middle of the day. We are not under a lot of pressure. We have a piece of debate here that I think, frankly, maybe we should have dealt with earlier, but I think what you are trying to do is avoid the merits.

The merit is this: If we have an international body, which we are members to, throwing out the guarantee to American workers, then there is no protection for those workers and you have sold them a bill of goods.

Again, I commend the gentleman from Alaska. He has taken care of his constituents; people on this floor are



taking care of oil companies. I am talking about the rest of America, the people that depend on the reserves up there, the people who paid for Alaska in the first place. The gentleman from Alaska would be speaking Russian today, not English. This country went to great lengths to secure that area. The rest of America has a right to be protected in this legislation, workers, environmentalists, and consumers.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and again I would hope that the committee would support the passage of the Gejdenson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The question was taken; and the chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. GEJDENSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment will be postponed.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished chairman of the committee.

Mr. Chairman, the version of the Alaskan oil export legislation which was passed in the other body as S. 395, included as section 206 an amendment to the Oil Pollution Act of 1990 to provide for a vessel in the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca to assist in towing and oilspill response efforts. H.R. 70 as reported by the Resources Committee does not contain a similar provision.

I had been prepared to offer an amendment to H.R. 70 concerning this issue, but as you know our rules are different from those of the other body and I have been advised by the Parliamentarian that such an amendment would be ruled out of order as non-germane. Accordingly, I am hoping that this is a matter that can, with the assistance of the chairman, be addressed in conference.

□ 1545

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I understand and appreciate the interest of the gentleman from Washington in this issue of importance to his district.

May I say the gentleman has talked to me about this. He has done an excellent job in the past and into the future representing his district concerning this issue.

We have discussed it. We will be discussing it in conference. The gentleman will be working very closely

with me in the conference, and I hope we will be able to address his concerns as well as the State of Washington, especially with the State of Alaska working in conjunction.

Mr. DICKS. Mr. Chairman, I thank the chairman for his assistance.

The CHAIRMAN. Are there additional amendments to section 1?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Page 1, line 6, strike "paragraphs (2) through (6)" and insert "paragraphs (2) through (7)".

Page 2, line 19, strike "(other than a volume limitation)".

Page 4, line 11, strike the closing quotation marks and period.

Page 4, after line 11, insert the following:

"(7) The total average daily volume of exports allowed under this subsection in any calendar year shall not exceed the amount by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1,350,000 barrels per calendar day."

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, with the time to be equally divided and controlled. This was the suggestion of the gentleman from California, and I think it is an excellent suggestion.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offered this amendment in committee along with our colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], and the gentleman from Washington [Mr. METCALF]. It represents what I believe is a reasonable compromise which will allow Members to support exports as long as the needs of the United States are taken care of first. That is the intent and the purpose and the result of this amendment.

This amendment does two things: First, it deletes the bill's unjustified restriction that the President cannot determine that a volume limitation on exports is in the national interest. Obviously, at some point, with some unforeseen circumstances, the President may conclude that and he ought to be given the powers to so decide. Second, the amendment provides that exports of Alaska oil are authorized but only in amounts produced in excess of what is currently refined and consumed on the west coast.

This amendment speaks to the current consumption figure of 1.35 million barrels per day which is the amount of Alaska oil used in Washington, Oregon, California, Hawaii, Nevada, and Arizona. Under current production levels in Alaska, my amendment would allow up to 250,000 barrels a day to be exported. This is significantly in excess of the 140,000 barrels projected by the Department of Energy and the State of Alaska as likely for export, as they have presented testimony when we were considering this bill in the committee.

What this amendment does in effect is to allow the oil which is currently produced but not used on the west coast to be exported. This is the oil that is sent to the gulf or to other designations at significant extra expense. It is the oil that makes up the most economic sense for us to export to foreign nations.

What this amendment does not do, unlike the bill, is to allow British Petroleum to manipulate the price and supply of Alaska oil for the west coast usage. This is an amendment which protects U.S. jobs and consumers. It allows exports if and when they do not come at the expense of our citizens. It neither denies profits to British Petroleum nor revenues to the State of Alaska. It is a reasonable compromise, and I urge its adoption.

This amendment reflects the changes that have taken place since the study that was conducted to justify this legislation and that is the Alaska oil is now essentially at parity or finds itself more often at parity with the world price of oil than when it does not. And the so-called glut on the west coast that was available is essentially evaporated and the margins that Members keep referring to with respect to west coast refiners has essentially evaporated because of the change in the demand for energy products on the west coast.

Those margins, the evaporation of those margins, the narrowing of those margins are the same whether it is an independent refiner or whether it is one of the larger refiners. It is just simply a change in the world energy picture.

Early on in the development of north coast, North Slope oil coming out of Alaska, a huge amount, because of the requirement that it could not be exported, a huge amount was sent to eastern markets through the Panama



Canal. That oil essentially now, much of it, has been backed out of that market because it is really not competitive and because of the increased demands on the west coast as what was previously considered a glut has disappeared.

So we now find ourselves in a situation where this very substantial amount of the oil that is currently produced in Alaska is, in fact, needed. It is needed on the west coast because it cannot be readily substituted by oil from the, by the central valley, although that can make up part of it.

So what we would do is, without any impact on price, we would simply make sure that those West Coast users are held harmless as to the supply. That supply would be made available to them not at preferential prices; it would be made available to them at the world price. If they were not prepared to pay, if there becomes in fact a premium price on Alaska oil, in Singapore, in Japan, in Malaysia, in Korea, and they can sell that oil to that market and West Coast users do not want to bid that price for it, they will simply lose out.

So the marketplace will continue to work in terms of the economics of the price of oil. In fact, as we know, when we started this venture many years ago, it was believed that there was a domestic price of oil and a world price of oil. As we know today, there is only one price of oil essentially, and that is the world price of oil.

That does not matter whether you are Saddam Hussein, whether you are Iran, whether you are the Russians or you are the domestic developer within the United States, that is the price of oil. This honors that, the economics of the energy business with respect to that, but it does make sure that those people who have come to rely on this oil for domestic uses are in fact held harmless from this. As a market, if in fact the market continues to grow, if in fact the pipeline was ever put back to its full utilization in excess of about 2, 2.5 millions barrels of oil a day, all of that would be eligible for export.

So I think this in fact provides the best of both worlds to make sure that American economic interests and the customers are taken care of first and then certainly free to export whatever is available over and above that.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, the amendment of the gentleman from California is interesting. He talks about a world price for oil. I just have to say that, representing the oil patch, I would have to ask him what he means by world price for oil.

Is it the price that the Federal Government charges for Elk Hills oil which has to cover the cost of sending it by pipeline to the strategic petroleum reserve? Is it the price of west Texas

crude that gets to move through pipelines and through shipping that does not cross the Panama Canal? Frankly, you have to take a look at the price of oil and include the cost of delivering that oil as well.

The issue in front of us is whether or not we should lock into a fixed amount on a given year and say that you can only export the amount of oil above that fixed amount.

First of all, let us understand that because of the policy that has been in place for 20 years, the Alaska fields are declining fields. In addition to that, they have yielded their production as many fields have around the world and what we need to do is make sure we open up more fields.

The idea was that if we could bring the true economic value to Alaska for that oil, they might in fact develop more fields. But what we have here is an amendment that locks in a fixed amount that comes to the lower 48.

When we look at the Department of Energy's study, it shows that 1994 is about 1,600,000 production; 1995, beginning to drop. And by the year 2000, in either the pessimistic or the optimistic case, you have clearly reached the oil amount that is in the amendment of the gentleman from California.

I think we need to do a little truth in packaging here.

What this amendment does is guarantee oil continues to come to California. The whole purpose of this bill is to allow oil to find its economic home. If you put on a volume limit, you automatically affect the price. You cannot deliver in essence an amount of oil that would have violated this figure to a Far Eastern area or any other place because of the restriction placed by this amendment. What we are trying to do is to remove Government restrictions.

I think that what we need to take a very long look at is what would happen if refineries on the West Coast would have to pay closer to the world price for oil.

In the study it says: The appropriate conclusion is that the gross marginal differential between PAD 5, which is Alaska oil, and the Nation as a whole would amply support an increase in crude oil prices of \$1.50 to \$2 per barrel without necessarily causing an increase in consumer prices.

If you can increase the price for crude oil and you do not increase the price of gasoline to consumers, what happens? In the middle between the crude oil and the consumer are the refineries. Frankly, the refineries, located in the gentleman's district, have enjoyed an enormous benefit over the years. The July 21 edition of the Wall Street Journal says: Tosco Corporation, located in the gentleman's district, net income surged 43 percent in the quarter. The petroleum products company attributed the net increase to improved refining margins.

It is the difference between the price of crude oil and the price of gasoline.

These people have been living off of an artificial market for years. The

amendment of the gentleman from California wants to continue that artificial market. The gentleman wants a fixed amount that has to come. You try to negotiate a world price for oil when you know by Government edict there is a fixed amount that has to come. You break the economics. You do not have a world price for oil. You have somebody over a barrel, and it is the Alaska oil producer and the American consumer.

It is about time we ended the sweetheart deal for the refiners. That is exactly what the gentleman's amendment tries to prevent. It tries to perpetuate a sweetheart deal. This legislation changes it.

This amendment should be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in opposition to the Miller amendment.

I think we really need to step back and ask why are we here today. Why are we on the verge of passing H.R. 70? We are here because of a policy of the past which placed limitations on the utilization of oil produced in Alaska. We have a policy in place which is forcing the crude which is being produced in Alaska to be refined on the West Coast. This has obviously had the adverse impacts in parts of California and other parts of the country of diminishing the amount of oil being produced there and also of having adverse economic impacts.

What this amendment is doing is pretty much just the same. It is saying that we will allow for some exportation of oil, but we are still going to continue Government policies which arbitrarily state that you cannot export any oil except for that that is over the 1.35 million barrels per day.

□ 1600

Mr. Chairman, We do not know what the future will hold. However, there is one constant. If we have the faith in the market system, the marketplace will dictate where oil was produced, whether it be in Alaska, in California, or in many other parts of the world, where it will be utilized. The bottom line is that if the refiners on the West Coast that are currently using Alaskan crude oil, if they are willing to pay the market price for that crude oil, that oil will flow to those refiners, as it is today. They might have to pay just a little more of that to reflect what the real market price for that crude oil will be.

If we place this amendment in place, Mr. Chairman, we are once again putting up an arbitrary restriction or impediment to how the marketplace should work. Clearly, that is not good policy. We also have provisions within the legislation which I think address some of the concerns of the gentleman from California [Mr. MILLER]. That is, if we do find that any oil producer or exporter of oil is engaging in any type of activity which could have an adverse

impact on consumers or refiners, the Secretary of Commerce is then authorized to take actions and impose sanctions against that export. Therefore, I think we have the safeguards in place which will ensure that consumers and refiners are not adversely impacted.

Mr. Chairman, I think this country will be far better served if we embrace a policy which is predicted on the marketplace providing the best determination to where oil produced in Alaska should go.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO, Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as the gentleman from California [Mr. MILLER] was explaining his amendment, he pointed out that this legislation removes the ability of the President to put in place any type of limitations in terms of the volume limits with regard to the exportation of oil. He takes that away.

Of course, what the gentleman from California [Mr. MILLER] does beyond that is, he recognizes and gives the Chief Executive the right to put in place some limitations, and, of course, provides, the second part of his amendment, provides for an assurance of 1.3 million barrels a day that is first sent to the lower 48, and then the amounts over that amount could be exported. So he is trying to recognize one of the shortcomings, I guess, in terms of the North Slope oil, and some of the effect on the market, but at the same time trying to meet what is obviously a significant domestic need on the Pacific coast.

Obviously, Mr. Chairman, the workability of the regulations and the law that exist in this instance are not perfect, nor is the global oil market perfect. We are hardly dealing with the handiwork of Adam Smith here in terms of the economy.

I noticed that the opponents seem to marshal often very obtuse arguments to defeat or to reinforce what is in the bill, sort of extreme situations, but I do not think we have to really do much guessing in order to understand that the way that the volatility of this market in the last 30 years has gone has caused great distress and significant impacts on our market. Look at the terms "oil shock," the "energy crisis" in the 1970's.

The last two decades are replete with problems that have grown out of the shortfalls in terms of the marketplace. I just think that we should, obviously, retain in the President's control the ability to have flexibility with regard to the export from these lands.

Mr. Chairman, the tradeoff here that occurred with these State and Native American lands and other Federal lands where oil was flowing from in Alaska was that we would sacrifice these resources in an effort to try and provide security in terms of energy in the lower 48. Today we are even more

vulnerable, but this has provided some stability, some constancy with regard to oil and energy policy on the West Coast and throughout the country.

Now, of course, in the name of a more perfect market, in the name of trying to develop this, the excuse here is that we are going to actually unleash and develop more and more of our domestic oil because this price is being held down. Admittedly, it is lower in these instances than it would otherwise be if it were completely open and we were bidding against many other countries in the Pacific Rim. I do not think there is any question about it; but I do not necessarily think that that has happened, and constantly not, despite the Energy Department study, translated into higher costs in terms of the marketplace. After all, we have seen oil go from \$10 a barrel all the way up to somewhere in the high thirties at various times in the market. That is not exactly because of this particular problem.

Now we are talking about here much smaller, finite, or much smaller amounts of change that have occurred between this particular type of sour crude oil that exists in this instance that is being discussed. I think the issue here, obviously, is being pushed by those who want a higher price, who are not concerned today, and I would say to my friends, and many of them served here during periods and have put up with this role in terms of energy shortfall, that clearly this is something that is being shunted aside.

I think the Miller amendment brings us back and gives us the opportunity to export but at the same time meet the domestic needs, to have both. We have, in essence, allowed for the opening of these areas, to provide the security. I think we still need that. I think we can still do that. I think there is a role.

Some would take the Federal Government out of any type of policy role here. I am not a new Federalist, I am not a new Confederate, I am an unreconstructed Federalist and feel that the Federal Government is the only entity that can basically deal with this.

We go through all sorts of arguments here in terms of U.S. bottoms and other issues which I think will provide for circumvention, I might say, of many of the policies and goals that are stated here in the legislation. I would hope that the Miller amendment could be and should be accepted by the proponents of this if they mean what they have said in regard to this issue. Obviously, there is opposition to it.

I thank the gentleman from California for yielding time to me.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I believe the gentleman from California [Mr. MILLER] has the right to close on his amendment.

The CHAIRMAN. The chairman of the committee has the right to close.

Mr. MILLER of California. Mr. Chairman, I have no further requests for

time, I think the amendment is necessary, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This amendment was offered in the committee. It was defeated 24 to 11. I believe it is a deal killer. It was designed to block export volumes by giving the President limited authority to place a volume cap on exports. The export ban requires 1.6 million barrels of oil produced today be shipped to the West Coast. This again is a cap, it is a requirement, it will affect the California production area, it will not give us the jobs. This is opposed, frankly, by the administration. As the gentleman from Louisiana says, I agree with this administration, but the previous administration also said the same thing: This again interferes with the marketplace.

It is my belief that it will not do everything we want it to do if we adopt the amendment, so I strongly oppose the amendment, and urge "no" on the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The question was taken; and the Chairman announced that the yeas appeared to have it.

#### RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] are postponed.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. METCALF TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. METCALF. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. METCALF to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 4, line 11, strike the closing quotation marks and period.

Page 4, after line 11, insert the following:

"(7) Any royalty accruing to the United States with respect to any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be paid in oil. The Secretary of the Interior shall offer any such oil accruing to the United States for sale to independent refiners located in Petroleum Allocation for Defense District V for processing or use in refineries within such District and not for resale. Such offers shall be made from time to time for such volumes and for such periods as the Secretary deems appropriate, and sales shall

be conducted by equitable allocation at fair market value among eligible independent refiners. The term 'independent refiner' means a petroleum refiner which, in the preceding calendar year, obtained, directly or indirectly, more than 70 percent of its refinery input of crude oil from producers which do not control, are not controlled by, and are not under common control with, such refiner."

Mr. METCALF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. METCALF. Mr. Chairman, I offer for my colleagues' consideration my amendment to the Alaskan oil export bill.

Many of my constituents are concerned about potential increases in gasoline prices if oil exports are expanded. Refiners in Washington are particularly dependent on Alaska as a source of oil.

My amendment would ensure that Northwest refineries have access to "royalty" oil from Federal lands in Alaska. If oil exports increase the price of gasoline, the increased demand could stimulate greater production—and Northwest refineries must have access to the oil.

Current procedures allow Northwest refineries to acquire royalty oil. My amendment would simply codify these procedures and give them the force of law—thus guaranteeing access to future oil production.

I would also like to thank the chairman of the Resources Committee for his consideration and support on this important issue.

The CHAIRMAN. Does any Member seek to be recognized in opposition to the amendment?

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment would provide for the sale of oil. The volume of oil currently produced on Federal lands in Alaska is very minimal. This amendment in fact would really look to the future if something were to occur on Federal lands in Alaska. I want to stress again, this oil that we are talking about is on State lands. It is our oil.

Very frankly, I do not see any harm in the amendment. I have one question to ask the author of the amendment, because after reading the amendment the only thing is, when does this kick in? When does that royalty oil kick in, if I may ask the gentleman from Washington?

Mr. METCALF. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. METCALF. Mr. Chairman, I would tell the gentleman, it would be as the new oil would be available.

Mr. YOUNG of Alaska. Mr. Chairman, I would ask, is the price of gaso-

line the factor? What kicks it in as far as getting the royalty oil? Does anybody know, because it is not clear in the amendment.

Mr. METCALF. Mr. Chairman, I am not absolutely sure.

Mr. YOUNG of Alaska. Mr. Chairman, I am not going to oppose the amendment at this time. I do compliment the gentleman from Washington in his efforts, because he has brought this to our attention, and more so than California, because they do not have oil fields in other areas, of the need for a constant supply of oil, I can just about guarantee everybody in this room, because it is not just BP that has ownership of this oil. ARCO ships all of its oil to the west coast. That is where it has occurred. The Exxon areas, part is shipped to the west coast. The only people really right now who will have any oil available will be BP.

Mr. Chairman, I am inclined to accept the gentleman's amendment at this time, and we will be discussing the trigger date and conference, and seeing if there is a possibility we can further define that.

Mr. METCALF. I thank the gentleman from Alaska.

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from Washington or anyone who understands this amendment, that I have some questions on the amendments. On line 5, it says, "The Secretary of the Interior shall offer any such oil accruing to the United States." From time to time, the United States receives oil in lieu of royalties.

What this amendment says is that when the United States get oil in that fashion, royalty oil is the common term, that the Secretary of the Interior "shall offer" any such oil accruing to the United States, and the Secretary of the Interior not only shall offer such oil, they must make it available to independent refiners located in pad 5. Such offer shall be made from time to time for such volumes and such periods as the Secretary deems appropriate, so the Secretary can control the volume and the period, and sales shall be conducted by equitable allocation at fair market value among eligible, independent refiners.

As I read this amendment, Mr. Chairman, it is yet again an attempt to carve out a market for a particular group of folk. These are the independent refiners. They are the ones who for years have received the blessing of oil directed to the lower 48. Now we have a group of refiners who call themselves independent refiners. They want to take such royalty oil as comes to the United States, "shall offer any such oil," a mandatory offering to a particular group, the independent refiners.

Mr. Chairman, my belief is that this is one of the fallback positions offered by the refiners. If they cannot stop the bill, then they want a fixed amount of

oil available to them in the marketplace, the gentleman from California, Mr. MILLER's amendment. If they cannot get the fixed amount of oil, 1,350,000 barrels a day, then they want the royalty oil guaranteed only to them, and the Secretary of the Interior shall offer such sales only to the independent refiners.

Here we go, with the fallback for a particular group of people to try to get a continuation of the current structure, which is, these people benefit by government policy.

H.R. 70's underlying premise is that no one should benefit by government policy. The marketplace should determine the price. Our opposition to the Miller amendment was based upon the marketplace determining the price, and the marketplace should determine volume.

The amendment of the gentleman from Washington [Mr. METCALF] appears to this gentleman from California to be a smaller, narrow attempt, but nevertheless, an attempt to have government dictate who gets what in the marketplace. On that basis, Mr. Chairman, I would oppose the amendment offered by the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. METCALF. Mr. Chairman, what this does is codification of what is currently the government policy, and it would apply to future increases.

Mr. Chairman, this bill says it is going to increase oil production. If it does, this puts into the law the policy that we have relative to that increased production.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. METCALF. I yield to the gentleman from California.

□ 1615

Mr. THOMAS. The problem I have with the gentlemen's amendment, is that it codifies it, it puts it into law. But what it puts into law, is a special benefit for a particular group. Independent refiners are the only ones who get the opportunity to bid on the royalty oil. No one else is allowed to bid. This is one more attempt to create a special relationship under the law.

I thank the gentleman for yielding.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Washington [Mr. METCALF] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GEJDENSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 2, line 21, add the following after the period: "In no event may oil be exported under this paragraph before the end of the period within which the President must make his national interest determination under this paragraph."

Mr. GEJDENSON. Mr. Chairman, with the new inclination of the gentleman from Alaska [Mr. YOUNG] toward accepting amendments, I would hope he would read and accept this one. In the bill as it is drafted, we would have the President making a determination as to the impact of the export of this oil after the fact.

It says first we start shipping this oil and signing contracts with people in the Pacific rim. Then the President is going to take a look at it and find out if there is a problem. If there is a problem, we will already have contracts for sending this oil out there.

A number of gentlemen on the floor have indicated the administration is with them. So they are not facing a hostile administration. It seems to me unless again this is some window dressing in their language and they are not concerned with either the environment or our national security, that at minimum they would be ready to accept this amendment which simply says that, yes, as they wrote it, the President ought to do an assessment on what this change in the law would do to the United States but he ought to do that assessment before contracts are signed with people to ship this oil elsewhere. I would hope that the gentleman from Alaska [Mr. YOUNG] could support this very limited amendment to try to improve what I think is a bad bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, hope of all hopes, and wishes of all wishes, I do oppose the amendment.

The administration adamantly opposes the amendment. The administration has said they support the committee substitute. We have worked with them. It gives the President the flexibility he wants. Very frankly why should Congress mandate a bureaucratic delay? If the President, and that is what were saying, finds that this is an appropriate thing, why hold his hand for 5 months when he does not want it? That is like asking a girlfriend out on a date when she does not want to hold your hand. You are not going to get anywhere.

Let's face up to it. I suggest respectfully the amendment is very frankly not supported by anyone I know other than the gentleman from Connecticut. I urge the defeat of the amendment.

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do want to commend the gentleman from Connecticut on the effort that he is making with this amendment because it sounds extremely reasonable, that until the President makes his determination, we should not export any of the oil. The problem of course is, perhaps the gentleman from Connecticut has not read the amendment in the nature of a substitute offered by the gentleman from Alaska, the chairman. The gentleman from Alaska and this gentleman from California indicated that the administration supports the substitute as written. The substitute as written says that the finding that the President shall make is a negative finding; not a positive one that they should export oil but, in fact, a negative one that they should not.

The gentleman from Connecticut is now saying, notwithstanding the fact that the administration supports the legislation and that the Presidential determination is a negative one, no oil should be exported until the President makes his determination, which is, under the substitute, a finding that they should not export any oil.

I think when we come full circle, all this is, is, an attempt once again to offer an amendment for purposes that the gentleman from Connecticut well knows are not in the best interests of moving this bill forward and therefore not in the best interests of labor, energy production, or consumers in this country. I would ask that Members oppose the amendment of the gentleman from Connecticut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was rejected.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BUNNING of Kentucky) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 23 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o'clock and 2 minutes p.m.

#### EXPORTS OF ALASKAN NORTH SLOPE OIL

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 70.

□ 1704

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 70) to permit exports of certain domestically produce crude oil, and for other purposes, with Mr. LINDER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] was pending.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

Pursuant to the rule, proceedings will now resume on those amendments to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON], and the amendment offered by the gentleman from California [Mr. MILLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series, including the underlying amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] if ordered without intervening business or debate.

#### AMENDMENT OFFERED BY MR. GEJDENSON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 278, answered "present" 1, not voting 38, as follows:

[Roll No. 555]

## AYES—117

Ackerman	Green	Oberstar
Andrews	Harman	Oliver
Baldacci	Hastings (FL)	Pallone
Beilenson	Hefner	Payne (NJ)
Bentsen	Hinchey	Pelosi
Bishop	Holden	Peterson (MN)
Bonior	Hoyer	Rahall
Borski	Jackson-Lee	Reed
Brown (FL)	Johnson (CT)	Rivers
Brown (OH)	Johnson (SD)	Rose
Bryant (TX)	Johnson, E. B.	Roybal-Allard
Cardin	Kanjorski	Rush
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Schroeder
Clyburn	Kildee	Schumer
Condit	Klink	Scott
Conyers	LaFalce	Serrano
Cubin	Lantos	Slaughter
DeFazio	Lewis (GA)	Smith (MI)
DeLauro	Lofgren	Smith (NJ)
Dellums	Lowey	Stark
Deutsch	Luther	Stokes
Dicks	Maloney	Stupak
Dingell	Manton	Taylor (MS)
Doggett	Markey	Thompson
Doyle	Mascara	Thurman
Durbin	McDermott	Traficant
Edwards	McHale	Tucker
Engel	McNulty	Vento
Eshoo	Meek	Volkmer
Evans	Mfume	Ward
Fields (LA)	Miller (CA)	Waters
Filner	Mineta	Watt (NC)
Flake	Minge	Wilson
Foglietta	Mink	Wise
Frost	Mollohan	Woolsey
Furse	Moran	Wyden
Gejdenson	Murtha	Wynn
Gephardt	Nadler	Yates

## NOES—278

Allard	Cremeans	Hastert
Archer	Cunningham	Hastings (WA)
Armey	Danner	Hayes
Bachus	Davis	Hayworth
Baker (CA)	de la Garza	Hefley
Ballenger	Deal	Heineman
Barr	DeLay	Herger
Barrett (NE)	Diaz-Balart	Hilleary
Barrett (WI)	Dickey	Hobson
Bartlett	Dooley	Hoekstra
Barton	Doolittle	Hoke
Bass	Dornan	Horn
Bereuter	Dreier	Houghton
Berman	Duncan	Hunter
Bevill	Dunn	Hutchinson
Bilirakis	Ehlers	Hyde
Bliley	Ehrlich	Inglis
Blute	Emerson	Istook
Boehlert	Ensign	Johnson, Sam
Boehner	Everett	Johnston
Bonilla	Farr	Jones
Boucher	Fattah	Kasich
Brewster	Fawell	Kelly
Browder	Fazio	Kennedy (MA)
Brownback	Flanagan	Kim
Bryant (TN)	Forbes	King
Bunn	Fowler	Kingston
Bunning	Fox	Klecza
Burr	Frank (MA)	Klug
Burton	Franks (CT)	Knollenberg
Buyer	Franks (NJ)	Kolbe
Callahan	Frelinghuysen	LaHood
Calvert	Frisa	Largent
Camp	Funderburk	Latham
Canady	Galleghy	LaTourette
Castle	Ganske	Laughlin
Chabot	Gekas	Lazio
Chambliss	Geren	Leach
Chapman	Gibbons	Levin
Chenoweth	Gilchrest	Lewis (CA)
Christensen	Gilman	Lewis (KY)
Chrysler	Gonzalez	Lightfoot
Clinger	Goodlatte	Lincoln
Coble	Goodling	Linder
Coburn	Gordon	Lipinski
Coleman	Goss	Livingston
Collins (GA)	Graham	LoBiondo
Combest	Greenwood	Longley
Cooley	Gunderson	Lucas
Costello	Gutierrez	Manzullo
Cox	Gutknecht	Martinez
Coyne	Hall (OH)	Martini
Cramer	Hall (TX)	Matsui
Crane	Hamilton	McCarthy
Crapo	Hancock	McCollum

McCrery	Poshard	Spratt
McDade	Pryce	Stearns
McHugh	Quillen	Stenholm
McInnis	Quinn	Stockman
McIntosh	Radanovich	Studds
McKeon	Regula	Stump
Meehan	Richardson	Talent
Menendez	Riggs	Tanner
Metcalfe	Roberts	Tate
Meyers	Roemer	Tauzin
Mica	Rogers	Taylor (NC)
Miller (FL)	Rohrabacher	Tejeda
Molinari	Ros-Lehtinen	Thomas
Montgomery	Roth	Thornberry
Moorhead	Roukema	Thornton
Morella	Royce	Tiahrt
Myers	Sabo	Torkildsen
Myrick	Salmon	Upton
Neal	Sanford	Visclosky
Neumann	Sawyer	Vucanovich
Ney	Saxton	Walker
Norwood	Scarborough	Walsh
Obey	Schaefer	Wamp
Ortiz	Schiff	Watts (OK)
Orton	Sensenbrenner	Waxman
Oxley	Shadegg	Weldon (FL)
Packard	Shaw	Weldon (PA)
Parker	Shays	Weller
Pastor	Shuster	White
Paxon	Sisisky	Whitfield
Payne (VA)	Skaggs	Wicker
Peterson (FL)	Skeen	Williams
Petri	Skelton	Wolf
Pickett	Smith (TX)	Young (AK)
Pombo	Smith (WA)	Young (FL)
Pomeroy	Solomon	Zeliff
Porter	Souder	Zimmer
Portman	Spence	

## ANSWERED "PRESENT"—1

Abercrombie

## NOT VOTING—38

Baesler	Ewing	Nethercutt
Baker (LA)	Fields (TX)	Nussle
Barcia	Foley	Owens
Bateman	Ford	Ramstad
Becerra	Gillmor	Rangel
Bilbray	Hansen	Reynolds
Bono	Hilliard	Seastrand
Brown (CA)	Hostettler	Torres
Clement	Jacobs	Torricelli
Collins (IL)	Jefferson	Towns
Collins (MI)	Kaptur	Velazquez
Dixon	McKinney	Waldholtz
English	Moakley	

□ 1726

The Clerk announced the following pairs:

On this vote:

Ms. McKinney for, with Mr. Bilbray against.

Mr. Rangel for, with Mr. Bono against.

Ms. Kaptur for, with Mr. Hostettler against.

Mrs. Collins of Illinois for, with Mrs. Waldholtz against.

Messrs GRAHAM, SAWYER, QUILLEN, and COYNE changed their vote from "aye" to "no."

Messrs. PALLONE, NADLER, BENTSEN, SMITH of New Jersey, STOKES, WARD, GENE GREEN of Texas, and OBERSTAR, and Ms. JACKSON-LEE changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on roll-call No. 355, I was tied up in rush hour traffic and missed the vote.

Had I been present, I would have voted "nay."

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the

period of time within which a vote by electronic device will be taken on each amendment on which the chair has postponed proceedings.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 95, noes 301, not voting 38, as follows:

[Roll No. 556]

## AYES—95

Abercrombie	Hinchey	Obey
Baldacci	Holden	Oliver
Barrett (WI)	Johnson (CT)	Pallone
Beilenson	Johnson (SD)	Payne (NJ)
Bevill	Johnston	Pelosi
Bishop	Kanjorski	Rahall
Bonior	Kennedy (RI)	Reed
Borski	Kennelly	Rivers
Clay	Kildee	Roybal-Allard
Clyburn	Klecza	Rush
Conyers	Klink	Sabo
DeFazio	Lantos	Sanders
DeLauro	Lewis (GA)	Schroeder
Dellums	Lofgren	Schumer
Deutsch	Lowey	Scott
Dingell	Luther	Serrano
Doyle	Maloney	Shays
Durbin	Markey	Slaughter
Engel	Mascara	Stark
Eshoo	McCarthy	Stokes
Evans	McDermott	Stupak
Fattah	McHale	Thompson
Filner	Meek	Tucker
Flake	Metcalfe	Vento
Foglietta	Mfume	Ward
Furse	Miller (CA)	Waters
Gejdenson	Mineta	Williams
Gephardt	Mink	Woolsey
Gutierrez	Mollohan	Wyden
Harman	Murtha	Wynn
Hastings (FL)	Nadler	Yates
Herger	Oberstar	

## NOES—301

Ackerman	Bryant (TN)	Cooley
Allard	Bryant (TX)	Costello
Andrews	Bunn	Cox
Archer	Bunning	Coyne
Armey	Burr	Cramer
Bachus	Burton	Crane
Baker (CA)	Buyer	Crapo
Ballenger	Callahan	Cremeans
Barr	Calvert	Cubin
Barrett (NE)	Camp	Cunningham
Bartlett	Canady	Danner
Barton	Cardin	Davis
Bass	Castle	de la Garza
Bentsen	Chabot	Deal
Bereuter	Chambliss	DeLay
Berman	Chapman	Diaz-Balart
Bilirakis	Chenoweth	Dickey
Bliley	Christensen	Dicks
Blute	Chrysler	Dixon
Boehlert	Clayton	Doggett
Boehner	Clinger	Dooley
Bonilla	Coble	Doolittle
Boucher	Coburn	Dornan
Brewster	Coleman	Dreier
Browder	Collins (GA)	Duncan
Brown (FL)	Combest	Dunn
Brownback	Condit	Edwards

Ehlers	LaHood	Rogers
Ehrlich	Largent	Rohrabacher
Emerson	Latham	Ros-Lehtinen
Ensign	LaTourette	Rose
Everett	Laughlin	Roth
Farr	Lazio	Roukema
Fawell	Leach	Royce
Fazio	Levin	Salmon
Fields (LA)	Lewis (CA)	Sanford
Flanagan	Lewis (KY)	Sawyer
Foley	Lightfoot	Saxton
Forbes	Lincoln	Scarborough
Fowler	Linder	Schaefer
Fox	Lipinski	Schiff
Frank (MA)	Livingston	Sensenbrenner
Franks (CT)	LoBiondo	Shadegg
Franks (NJ)	Longley	Shaw
Frelinghuysen	Lucas	Shuster
Frisa	Manton	Sisisky
Frost	Manzullo	Skaggs
Funderburk	Martinez	Skeen
Gallely	Martini	Skelton
Ganske	Matsui	Smith (MI)
Gekas	McCollum	Smith (NJ)
Geren	McCrery	Smith (TX)
Gibbons	McDade	Smith (WA)
Gilchrest	McHugh	Solomon
Gilman	McInnis	Souder
Gonzalez	McIntosh	Spence
Goodlatte	McKeon	Spratt
Goodling	McNulty	Stearns
Goss	Meehan	Stenholm
Graham	Menendez	Stockman
Green	Meyers	Studds
Greenwood	Mica	Stump
Gunderson	Miller (FL)	Talent
Gutknecht	Minge	Tanner
Hall (OH)	Molinari	Tate
Hall (TX)	Montgomery	Tauzin
Hamilton	Moorhead	Taylor (MS)
Hancock	Moran	Taylor (NC)
Hastert	Morella	Tejeda
Hastings (WA)	Myers	Thomas
Hayes	Myrick	Thornberry
Hayworth	Neal	Thornton
Hefley	Neumann	Thurman
Hefner	Ney	Tiahrt
Heineman	Norwood	Torkildsen
Hilleary	Ortiz	Trafigant
Hobson	Orton	Upton
Hoekstra	Oxley	Visclosky
Hoke	Packard	Volkmer
Horn	Parker	Vucanovich
Houghton	Pastor	Walker
Hoyer	Paxon	Walsh
Hunter	Payne (VA)	Wamp
Hutchinson	Peterson (FL)	Watt (NC)
Hyde	Peterson (MN)	Watts (OK)
Inglis	Petri	Waxman
Istook	Pickett	Weldon (FL)
Jackson-Lee	Pombo	Weldon (PA)
Johnson, E.B.	Pomeroy	Weller
Johnson, Sam	Porter	White
Jones	Portman	Whitfield
Kasich	Poshard	Wicker
Kelly	Pryce	Wilson
Kennedy (MA)	Quillen	Wise
Kim	Quinn	Wolf
King	Radanovich	Young (AK)
Kingston	Regula	Young (FL)
Klug	Richardson	Zeliff
Knollenberg	Riggs	Zimmer
Kolbe	Roberts	
LaFalce	Roemer	

## NOT VOTING—38

Baessler	Ewing	Nethercutt
Baker (LA)	Fields (TX)	Nussle
Barcia	Ford	Owens
Bateman	Gillmor	Ramstad
Becerra	Gordon	Rangel
Bilbray	Hansen	Reynolds
Bono	Hilliard	Seastrand
Brown (CA)	Hostettler	Torres
Brown (OH)	Jacobs	Torricelli
Clement	Jefferson	Towns
Collins (IL)	Kaptur	Velazquez
Collins (MI)	McKinney	Waldholtz
English	Moakley	

□ 1735

The Clerk announced the following pairs:

On this vote:

Ms. McKinney for, with Mr. Bilbray against.

Mrs. Collins of Illinois for, with Mr. Bono against.

Mr. MORAN changed his vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG], as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of the substitute recommended by the Committee on Resources.

Mr. Chairman, I rise in support of the amendment in the nature of a substitute recommended by the Resources Committee. The legislation before us today, H.R. 70, will permit the export of Alaskan North Slope oil if carried in U.S. flag vessels. Under the terms of the bill, the President retains the authority to retract these oil exports in an emergency and would only authorize these exports with an appropriate environmental review and with a determination that the exports would not reduce the amount of oil available to the United States.

In addition, the bill preserves the ability of countries such as Israel, which have a bilateral supply agreement with the United States, to acquire oil supplies without being subject to United States-flag transportation requirements.

Enactment of this legislation will benefit our merchant marine at the same time that it will decrease our dependence on foreign oil. A 1994 report issued by the Department of Energy concluded that lifting the ban on the export of Alaskan North Slope oil would add up to \$180 million in tax revenue to the U.S. Treasury and would create up to 25,000 jobs by the turn of the century, while preserving 3,300 maritime jobs.

In response to concerns about the bill voiced by the Commission of the European Communities concerning this legislation, I have sought and received assurances from the Office of the U.S. Trade Representative that the provisions of H.R. 70 are consistent with our obligations under the World Trade Organization and the Organization of the Economic Cooperation and Development.

As part of my statement, I request the inclusion of a copy of a letter, dated July 24, I have just received from the U.S. Trade Representative, confirming that the provisions of the bill do not present any legal problem for the United States.

It is my expectation that in a conference with the other body on this legislation, conferees from the International Relations Committee will closely monitor this issue and will ensure that the committee continues to exercise jurisdiction over short supply controls pursuant to the Export Administration Act.

I compliment the distinguished chairman of the Resources Committee, Mr. YOUNG, for his many years of work on this important issue and for his balanced and well-crafted bill before us today. Accordingly, I urge my colleagues to vote "yes" on H.R. 70.

U.S. TRADE REPRESENTATIVE,

Washington, DC, July 24, 1995.

Hon. BENJAMIN A. GILMAN,

House of Representatives, Washington, DC.

DEAR CHAIRMAN GILMAN: This replies to your letter of June 14, 1995 requesting information on the implications of the cargo preference provisions of H.R. 70 on our obligations under the World Trade Organization and the OECD, and on whether those provisions violate any trade agreements. As we understand it, H.R. 70 would require that exported ANS oil be carried on vessels that are U.S.-flag and U.S.-crew, but not U.S.-build.

As to WTO violations, I can state categorically that H.R. 70, as currently drafted, does not present a legal problem. Further, we do not believe that the legislation will violate our obligations under the OECD's Code of Liberalization of Current Invisible Operations or its companion Common Principles of Shipping Policy.

Moreover, the OECD does not have a mechanism for the settlement of disputes and its associated right of retaliation. While Parties to the OECD are obligated to defend practices that are not consistent with the Codes, the OECD process does not contain a dispute mechanism with possible retaliation rights. (The OECD Shipbuilding Agreement, by contrast, does contain specific dispute settlement mechanisms, although the Agreement does not address flag or crew issues.)

I would also like to address the implications of H.R. 70 on the GATS Ministerial Decision of Negotiations on Maritime Transport Services (Maritime Decision), which is the document that guides the current negotiations on maritime in the WTO. The Maritime Decision contains a political commitment by each participant not to adopt restrictive measures that would "improve its negotiating position" during the negotiations (which expire in 1996). This political commitment is generally referred to as a "peace clause." Actions inconsistent with the peace clause, or any other aspect of the Maritime Decision, cannot give rise to a dispute under the WTO, since such decisions are not legally binding obligations.

There are, of course, potential implications for violating the peace clause by adopting new restrictive measures during the course of the negotiations. These implications could include changes in the willingness of other parties to negotiate seriously to remove maritime restrictions and might lead to certain parties simply abandoning the negotiating table. But the Maritime Decision does not provide the opportunity for retaliation.

Our view is that the U.S. flag preference provisions of H.R. 70 do not measurably increase the level of preference for U.S. flag carriers and actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potentially new market situation resulting from enactment of H.R. 70. Thus, it would be very difficult indeed for foreign parties to make a credible case that the U.S. has "improved its negotiating position" as the result of H.R. 70.

I trust this information is of assistance to you. Please do not hesitate to contact me or the staff should you need more information.

Sincerely,

MICHAEL KANTOR.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore, Mr. LAHOOD, having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 77, not voting 33, as follows:

[Roll No. 557]

AYES—324

Abercrombie	Buyer	Doggett
Ackerman	Callahan	Dooley
Allard	Calvert	Doollittle
Andrews	Camp	Dornan
Archer	Canady	Dreier
Armey	Cardin	Duncan
Bachus	Castle	Edwards
Baker (CA)	Chabot	Ehlers
Ballenger	Chambliss	Ehrlich
Barr	Chapman	Emerson
Barrett (NE)	Chenoweth	Engel
Bartlett	Christensen	English
Barton	Chrysler	Ensign
Bass	Clayton	Everett
Beilenson	Clinger	Farr
Bentsen	Coble	Fawell
Bereuter	Coburn	Fazio
Berman	Coleman	Fields (LA)
Bevill	Collins (GA)	Flake
Bilirakis	Combest	Flanagan
Bliley	Condit	Foglietta
Blute	Cooley	Foley
Boehlert	Cox	Forbes
Boehner	Coyne	Fowler
Bonilla	Cramer	Fox
Bono	Crane	Frank (MA)
Borski	Crapo	Franks (CT)
Boucher	Creameans	Franks (NJ)
Brewster	Cubin	Frelinghuysen
Browder	Cunningham	Frisa
Brown (FL)	Danner	Frost
Brown (OH)	Davis	Funderburk
Brownback	de la Garza	Galleghy
Bryant (TN)	Deal	Ganske
Bryant (TX)	DeLay	Gekas
Bunn	Diaz-Balart	Geren
Bunning	Dickey	Gibbons
Burton	Dixon	Gilcrest

Gilman	Manton	Sawyer
Gonzalez	Manzullo	Saxton
Goodlatte	Martinez	Scarborough
Goodling	Martini	Schaefer
Gordon	Matsui	Schiff
Goss	McCarthy	Schroeder
Graham	McCollum	Schumer
Green	McCrery	Scott
Greenwood	McDade	Sensenbrenner
Gunderson	McHugh	Serrano
Gutknecht	McInnis	Shadegg
Hall (OH)	McIntosh	Shaw
Hall (TX)	McKeon	Shays
Hamilton	McNulty	Shuster
Hancock	Meehan	Sisisky
Hastert	Meek	Skaggs
Hastings (FL)	Menendez	Skeen
Hastings (WA)	Meyers	Skelton
Hayes	Mfume	Smith (MI)
Hayworth	Mica	Smith (NJ)
Hefley	Miller (FL)	Smith (TX)
Hefner	Molinari	Solomon
Heineman	Mollohan	Souder
Hilleary	Montgomery	Spence
Hobson	Moorhead	Spratt
Hoekstra	Moran	Stearns
Hoke	Morella	Stenholm
Horn	Murtha	Stockman
Houghton	Myers	Stokes
Hoyer	Myrick	Studds
Hunter	Neal	Stump
Hutchinson	Neumann	Stupak
Hyde	Ney	Talent
Inglis	Norwood	Tanner
Istook	Ortiz	Tauzin
Jackson-Lee	Orton	Taylor (NC)
Johnson, E. B.	Oxley	Tejeda
Johnson, Sam	Packard	Thomas
Johnston	Pallone	Thornberry
Jones	Parker	Thornton
Kasich	Pastor	Thurman
Kennedy (MA)	Paxon	Tiahrt
Kennedy (RI)	Payne (NJ)	Torkildsen
Kim	Payne (VA)	Traficant
King	Peterson (FL)	Tucker
Kingston	Petri	Upton
Klug	Pickett	Visclosky
Knollenberg	Pombo	Vucanovich
Kolbe	Pomeroy	Waldholtz
LaFalce	Portman	Walker
LaHood	Poshard	Walsh
Largent	Pryce	Wamp
Latham	Quillen	Ward
LaTourette	Quinn	Waters
Laughlin	Radanovich	Watt (NC)
Lazio	Reed	Watts (OK)
Leach	Regula	Waxman
Levin	Richardson	Weldon (FL)
Lewis (CA)	Riggs	Weldon (PA)
Lewis (KY)	Roberts	Weller
Lightfoot	Roemer	Whitfield
Lincoln	Rogers	Wicker
Linder	Rohrabacher	Wilson
Lipinski	Ros-Lehtinen	Wise
Livingston	Rose	Wolf
LoBiondo	Roth	Wynn
Longley	Roukema	Young (AK)
Lowe	Royce	Young (FL)
Lucas	Salmon	Zeliff
Luther	Sanford	Zimmer

## NOES—77

Baldacci	Harman	Nadler
Barrett (WI)	Herger	Oberstar
Becerra	Hinchey	Obey
Bishop	Holden	Olver
Bonior	Jacobs	Pelosi
Clay	Johnson (CT)	Peterson (MN)
Clyburn	Johnson (SD)	Rahall
Conyers	Kanjorski	Rivers
Costello	Kelly	Roybal-Allard
DeFazio	Kennelly	Rush
DeLauro	Kildee	Sabo
Dellums	Klecza	Sanders
Deutsch	Klink	Slaughter
Dicks	Lantos	Smith (WA)
Dingell	Lewis (GA)	Stark
Doyle	Lofgren	Tate
Dunn	Maloney	Taylor (MS)
Durbin	Markey	Thompson
Eshoo	Mascara	Vento
Evans	McDermott	Volkmer
Fattah	McHale	White
Finler	Metcalf	Williams
Furse	Miller (CA)	Woolsey
Gejdenson	Mineta	Wyden
Gephardt	Minge	Yates
Gutierrez	Mink	

## NOT VOTING—33

Baessler	Fields (TX)	Nussle
Baker (LA)	Ford	Owens
Barcia	Gillmor	Porter
Bateman	Hansen	Ramstad
Bilbray	Hilliard	Rangel
Brown (CA)	Hostettler	Reynolds
Burr	Jefferson	Seastrand
Clement	Kaptur	Torres
Collins (IL)	McKinney	Torricelli
Collins (MI)	Moakley	Towns
Ewing	Nethercutt	Velazquez

□ 1754

The Clerk announced the following pairs:

On this vote:

Mr. Burr of North Carolina for, with Mrs. Collins of Illinois against.

Mr. Hostettler for, with Ms. Kaptur against.

Mr. Bilbray for, with Ms. McKinney against.

Mrs. MALONEY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, due to a delay in my flight from Nashville, I was unable to cast a vote on rollcall vote 557. Had I been present I would have voted "yea" on final passage of H.R. 70.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The CHAIRMAN. Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BE-REUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 21, 1995, amendment No. 10 offered by the gentleman from Michigan [Mr. SMITH] had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on any amendment to title I and any amendments thereto be limited to 15 minutes each, and that the time be equally divided, with the exception of any amendment offered by the gentleman from Pennsylvania [Mr. FOGLETTA] and the gentleman from New York [Mr. SOLOMON].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, there are a number of vital amendments, and particularly the one relating to the Coast Guard, where we have quite a few speakers. If we could get 10 minutes per



side for that one, or if the Chairman would want to accept the amendment, of course we would not have to debate it, or if the Chairman would want to cede some of his time, so we could get at least 10 minutes on our side, I would not object.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I asked unanimous consent that all debate on any amendments to title I and any amendments thereto be limited to 15 minutes each and that the time be equally divided, with the exception of any amendment offered by the Coast Guard, one for the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Ohio [Mr. LATOURETTE] and the gentleman from Pennsylvania [Mr. FOGLIETTA] and the gentleman from New York [Mr. SOLOMON], and that the Coast Guard amendment be limited to 20 minutes, 10 minutes on each side.

Mr. DEFAZIO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENTS OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer two amendments, amendments numbered 24 and 25, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. COLEMAN. Reserving the right to object, Mr. Chairman, the only amendment I have in front of me is one that dealt with \$6 million and an additional \$6 million at one place in the bill. Is the gentleman offering a second amendment at the same time?

Mr. LATOURETTE. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Ohio.

Mr. LATOURETTE. That is correct, Mr. Chairman. Number 25 has restrictive language. The reason for the en bloc request is it should be considered at the end of the bill as restrictive language indicating that the Coast Guard cannot spend the funds within the bill for the purpose of closing or downsizing small boat stations.

Mr. COLEMAN. Mr. Chairman, I object, and I will give the reason why, if I could continue to speak under my reservation of objection.

Mr. Chairman, the problem with the second amendment is that it therefore totally eliminates any funds being made available to close, consolidate, realign, or reduce any Coast Guard small boat station, as I understand it.

Mr. LATOURETTE. That is correct.

□ 1800

Mr. COLEMAN. The first amendment, on the other hand, deals with a reduction from the Secretary's office, I believe, of \$6 million and adding that

amount to the Coast Guard; is that right?

Mr. LATOURETTE. That would be correct.

Mr. COLEMAN. Let me just say to the gentleman, I think his second amendment may indeed affect some of the other pending amendments with respect to the Coast Guard closure of stations. For that reason, I would ask the gentleman to not offer them en bloc but, rather, go ahead and offer them separately.

Mr. LATOURETTE. If the gentleman would yield further under his reservation, if the gentleman is referring to the potential DeFazio amendment, I believe, which deals with the same issue, I believe that his amendment will not be forthcoming and he is as a matter of fact the principal cosponsor of this particular block of amendments.

Mr. COLEMAN. Let me again, however, suggest that it is for that reason that I think and because we may need some additional time on debate for that second amendment, that I would object to their being considered en bloc and would ask the gentleman to offer his first amendment first, we dispose of that, and then to go to the second one, again operating under the time limits to which the House has now agreed, time to be divided equally. I would ask the gentleman to do that.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 24 OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. LATOURETTE: Page 2, line 8, after the first dollar amount, insert the following: "(reduced by \$6,000,000)".

Page 7, line 20, after the dollar amount, insert the following: "(increased by \$6,000,000)".

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio [Mr. LATOURETTE] will be recognized for 10 minutes, and a member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

This amendment when considered with the amendment that will be offered later in the bill deals with and revisits the question of the multimission small boat unit streamlining plan developed by the U.S. Coast Guard.

Members may recall that during the markup and also floor consideration of the Coast Guard Authorization Act, a similar amendment at that time offered by the gentleman from Ohio [Mr. TRAFICANT] was considered. While there were in fact many sympathetic Members on the floor, the theme of fiscal restraint and where the heck is the

money going to come from heavily weighted on some votes.

This amendment, together with the amendment to be offered later in the bill, transfers \$6 million from the Secretary's O&M account to the Coast Guard. The second amendment would then add restrictive language that would protect funds in the bill to be used to close or downsize small boat stations.

This is a bipartisan amendment whose principal sponsors include the gentleman from Oregon [Mr. DEFAZIO], the gentleman from New Jersey [Mr. PALLONE], and the gentleman from Ohio [Mr. BROWN]. I am offering this amendment because it is an amendment that just makes sense.

The U.S. Coast Guard's small boat stations save lives and greatly contribute to safety. They ensure a rapid response to emergency calls. When a small boat station is closed, safety is placed at risk.

Like many people on the floor, I consider myself to be fiscally responsible and conservative and I am as committed as anyone to making our Government smaller, less intrusive and more accountable. I am also strongly in favor of balancing the budget.

While I understand and appreciate that the Coast Guard is taking its streamlining program so seriously, the \$6 million in savings that will be achieved from shutting down these stations is minuscule when you consider the big picture, which is overall savings of \$400 million. What price tag do we put on maritime safety?

We have all been told that the Coast Guard is making some remarkable advances in search and rescue due to new technology. Boats that used to travel 12 knots now travel 27. Helicopters can reach the highest of speeds. However, who wants to explain to the mother whose child is drowning that, "Ma'am, the boat that we sent to rescue your boy was the fastest that we could find but it just had to travel too far to get there"?

Advanced technology will not sell to the grief-stricken. Fast boats and fast helicopters are no consolation.

I have the highest praise for the U.S. Coast Guard. Its service is second to none. In fact, just this past week the Coast Guard valiantly rescued a couple from Lorain, OH whose boat went vertical in a matter of seconds in one of Lake Erie's famous storms. For over 8 hours this couple clung to what was left of their boat in 66-degree water. Finally the storm passed, the sun came out, and a rainbow formed. The gentleman saw the rainbow and said to this fiancée, "That is God's covenant with us." I would argue that the arrival of the Coast Guard was also God's covenant as the Coast Guard so often performs miracles.

This amendment saves the stations and finds the dollars to do it. I ask support for the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Its Members are listening, they should know that the House has already voted on this issue. It was soundly defeated 2 months ago by a vote of 272-146. The House has already expressed its will on this issue. I do not believe any significant new information has been received over the last 2 months to make a difference.

If Members care about the deficit, the Coast Guard needs the flexibility to close the facilities they no longer need. They have determined that these stations are no longer needed. We should not be requiring the Coast Guard to keep open facilities they say they do not need and they do not want, especially in a time when we are cutting their budget and asking them to become more efficient.

The amendment would result in a situation quite frankly unfair to Coast Guardsmen and their families. At some of the current units which the Coast Guard wants to close, Coast Guard staff are required to work more than 90 hours. It is kind of like being in the House of Representatives. Ninety hours a week these Coast Guardsmen are working. This jeopardizes the safety of those being rescued, and diminishes the quality of life of the Coast Guardsmen and their families.

In addition, I say to the gentlemen on that side—and I do not know how many on this side care—the amendment would reduce the funding to the Office of the Secretary, which happens to be the Secretary of Transportation.

In closing, Mr. Chairman, we have already made deep cuts in the Office of the Secretary. This bill would provide \$215 million, which is 62 percent below the administration's request. Salaries and expenses are reduced by 12 percent. These are severe reductions and would be made even worse.

The amendment is opposed again by the Coast Guard. It is opposed by the Secretary of Transportation. It is opposed by the chairman of the Coast Guard authorizing subcommittee. We have already voted against this issue overwhelmingly by a vote of 272-146. It will be interesting to see if anyone switches their vote. Mr. Chairman, because there have been no issues that have changed at all.

Mr. Chairman, I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today with the gentleman from Ohio [Mr. LATOURETTE] to support his amendment. The amendment transfers \$6 mil-

lion from the Office of the Secretary of Transportation to the Coast Guard.

It is budget neutral. Those of us that are budget-cutters on this floor, that have been willing to vote to kill the super collider, kill the space station or make budget cuts across the board, understand that this is budget neutral, takes money from one part of the Department of Transportation and puts money in the Coast Guard.

This amendment is about public safety. As we talk about police on the streets, we talk about making sure that the Coast Guard is there to provide the kind of public safety and public service that people that live on lakes and oceans and waterways in this country have come to expect.

The Coast Guard, because it is about public safety, has rescued people that are drowning. It has rescued people in fires. It has rescued children that fall through the ice in places like the Great Lakes.

The Coast Guard does drug interdiction, it enforces environmental and fishing laws, and the Coast Guard enforces and looks out for boat safety. Whether it is speeding through a harbor in Lorain or in Ashtabula, whether it is alcohol problems from boat operators, the Coast Guard is there to enforce those kind of safety regulations.

There is nothing more important than public safety. It is important that we recognize that in the Coast Guard, that this funding, budget neutral, be transferred so that the money is there to keep the Coast Guard operating at full force.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendment.

This amendment prevents the closure, consolidation, realignment, or reduction of any Coast Guard search and rescue station in fiscal year 1996. A similar amendment was defeated in the Transportation and Infrastructure Committee and on the House floor during debate of the Coast Guard authorizing bill. All of those who voted to defeat this amendment before should do so again today.

The Coast Guard must have the management flexibility to respond to changing search and rescue needs. The population needs and demographics which led to the initial placement of these Coast Guard stations has changed. Further, the technology regarding search and rescue missions has changed to allow a single station to cover greater areas than before.

Many search and rescue stations were established over 100 years ago when rowboats were used to conduct rescues. Certainly, we must allow the Coast Guard the necessary flexibility to change their operations to reflect both the changes in population needs and technological advances.

The GAO has endorsed the process used by the Coast Guard to evaluate these changes. Further, the authoriz-

ing legislation passed by the House requires the Secretary of Transportation to determine that safety will not be diminished before any station can be closed.

While I realize it may seem difficult to those living near and under the close protection of a search and rescue station to watch that station be closed and for that same protection to come from a station of greater distance. But I am confident that all the necessary safety considerations have been taken.

I urge my colleagues to oppose this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding me the time.

Mr. Chairman, this is not the same amendment that we voted on during the authorization. This deals both with small boat closures, small boat lifesaving closures, and the consolidation issues. It is paid for. It is budget neutral, which the Traficant amendment during the consideration of the authorization was not.

This whole attempt on the part of the Coast Guard to jam through these closures is going to cost lives around the country. It is not well thought out. They told us they took into account the cold water conditions of the Pacific Northwest. All those things were in the parameters.

No, they were not. When I asked for the data, in fact there were strangely some stations that met the parameters for closure but somehow fell off the final list. But mine were still on, as were others around the country. It is some politics going on here, folks. Politics are going to cost lives.

They said, "Well, don't worry. Whenever we downsize or close something, we'll put people at adjacent stations." I have a 200-mile section of coast where every Coast Guard station is being reduced or closed. Oregonians are going to drown.

It happened in 1988 when the Bush administration closed those small boat stations. We had three deaths within a month. People are going to drown. You cannot tread water for 40 minutes in the North Pacific and live to wait for the rescue helicopter. We will pick up corpses with the rescue helicopters, not living citizens.

Vote "yes" on this amendment. Save lives and cut bureaucracy.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member.

Mr. CHAIRMAN. I thank the gentleman for yielding me the time. I really may not need that much time, and I will be happy to yield it back to the gentleman from Virginia if I do not use it all.

Mr. Chairman, first of all let me say the issue itself that the Coast Guard brought before the committee concerning downsizing and efficiency of operation, I think they made their case in front of the committee, the Subcommittee on Transportation of the

Committee on Appropriations, that indeed this was a cost-cutting, appropriate thing to do. That is the reason that my colleague got the 10 minutes in order to be opposed to this particular amendment.

Let me give one of the problems that I have with the amendment and the reason I asked for it to be divided. It was not only the fact which I thought we can make and still believe we can make into a very valid debate—and maybe we can write legislation here on the floor, which many of us think is not a good idea—that indeed some of us believe the authorizing committee should certainly have something to say about whether or not the Coast Guard keeps these open or not.

I am not an expert in this area at all, and will readily admit that. The testimony I heard indicated that it was appropriate, but we did not hear from many people who live along these coastlines. I think it would have been appropriate to us to have done so.

Let me also say that the problem with offering an amendment in this fashion also is that they had to find \$6 million from somewhere. Well, where? Everyone says, "Let's go to the Office of the Secretary because there's some money there."

Well, we have done that, by the way, in this bill, over and over and over again. It is not the first time that that has happened. In fact, the committee itself pretty well decimates the Office of Secretary.

I hope all of the people understand that when you go to these places for money, when you call over there and expect some response to your congressional office, you do not plan on getting it anytime soon. Ultimately, when you keep making these kinds of cuts, and you demand information for your constituents from DOT, about the FAA or about an airport in your district, you are not going to necessarily get a call real quick back. Do not expect that as long as you continue to make these kinds of cuts.

Let me point out that we cut, in this subcommittee, the Office of the Secretary by \$2.5 million already. We are \$3 million or 5.3 percent below the fiscal year 1995 level. The substantial reduction that is being proposed here of an additional \$6 million once again would put us 15 percent below the 1995 level.

□ 1815

Well, they can eat that; right? With no harm? Well, I begin to question that, ultimately, if my colleagues do not listen to the testimony that we listened to.

I know many of my colleagues who are not on Appropriations think that we just have these numbers and they are nebulous and do not count. We find out how many people they actually have working in these offices. How far-flung is the Secretary of Transportation's office? Well, pretty good size. It has within it the Coast Guard. It has

within it the Federal Highway Administration. It has within it the Federal Aviation Administration.

So I simply say to my colleagues that before we start making these kinds of cuts, if we really want to take this amount of money, let us find it someplace where we can all have a serious debate about the proper location for finding these dollars.

Those of us who represent districts that have a good deal of concern with mass transit or with buses, certainly with highways, we intend to get responses from the Department. We have questions and things change, conditions change where we intend to lay down future transit operations, we expect the Department of Transportation to respond; do we not?

Well, they are not going to be able to if we continue to make these kinds of cuts, and it is for that reason I asked that the question be divided or that the gentleman not be permitted to offer the amendments en bloc.

Do not take the \$6 million out of here. Even if we pass the second amendment, I would say to my colleagues in the House, we can then determine where we find the dollars so that the Coast Guard would have the amount of money to keep open the stations.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to stress that my colleagues and I have spent a lot of time over the last 6 months looking into this issue and our concern is over human lives. We know and we can document that people's lives can be lost if this amendment is not passed.

What is happening, by closing small boat stations, we are creating great distances between the stations and increasing the Coast Guard's response time and basically making it impossible for the Coast Guard to be successful in responding to life-threatening situations.

Mr. Chairman, we are talking about \$6 million for something like 23 stations and even more that are going to be downsized. It seems to me that \$6 million is simply so small an amount of money to talk about a few lives that are going to be saved by passing this amendment, that it really is almost unconscionable for us to worry about that \$6 million when we are talking about human lives.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, if any Member of Congress is interested in boating safety, this is the amendment for them.

Mr. Chairman, I can tell my colleagues from personal experience in Dorr County, WI, that our Coast Guard has saved many a life. Washington Island Station is located in an extremely popular tourist area of Dorr County. This scenic peninsula juts out into

Lake Michigan and attracts a very high level of boat traffic. It has over 80 miles of coastline, more coastline than any county in the United States, and that is why the Coast Guard has just renovated the Washington Island Station at a cost of some half a million dollars.

Now they come along and they say they want to close it. Well, in the last year, the Coast Guard rescued four injured people. The Coast Guard says, well, the other stations can respond in an emergency within 30 minutes.

Mr. Chairman, waiting for 30 minutes for a pizza may be all right, but it certainly is not all right if you are on a stranded boat or in a capsized boat, and that is why I think this amendment is so important.

I have people from all over the area who have written me. Here is a person who knows what is going on, Doc Randle. He says, "Emergencies and disasters happen; without the Coast Guard, people will be in peril."

Here is another person that writes, R. J. Hartman, and he said, "Will you please explain to me why the U.S. Coast Guard was allowed to spend \$400,000 to \$500,000 of taxpayers' money, only to terminate the facility 4 months later."

Mr. Chairman, this is not good planning. The amendment before us corrects the situation, and I ask my colleagues to vote for this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in passionate support of this amendment. While I regret the possibility of a delay in information from the Secretary of the Interior, I even more deeply regret the delay in the arrival of the Coast Guard in response to an SOS.

We are told not to worry, that there is going to be 2 hours response time uniformly around the country. Let me just suggest that if one of us has the misfortune of being in the water in the winter, we damn well better be in Florida and not in the northwest Atlantic off New England, because 2 hours is absolutely academic; it is long.

We will be able to put a dollar value on human life, Mr. Chairman, if this amendment is rejected, because 2 or 3 years from now we will be able to tell exactly how many lives were lost that otherwise would have been saved, divide by \$6 million, and at long last we will have an answer to the question: What is a human life worth? For God's sake, support this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield the balance of my time to the gentleman from Maine [Mr. BALDACC].

Mr. BALDACC. Mr. Chairman, there were tragedies in Maine when, in 1990, the Coast Guard station temporarily closed down in Eastport, ME. It closed down for approximately 14 months and during that time, two people drowned. This tragedy was a terrible blow to the community. If the station had been operational, there is a possibility that those lives could have been saved.

Mr. Chairman, I know the appropriations and the budget process have to come together, but when we are talking about human lives, and in Eastport, ME, there were two lives that were drowned because of the lack of that station. This is the documentation for me.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment ought to be defeated, because if Members remember how they voted last time, just 2 months ago, they voted to defeat the amendment then.

Second, if we cannot do this, then frankly we have to fold up our tents and say we are never going to deal with our deficit, because this is a closure that is supported by the Coast Guard. It is also supported by the authorizing committee, which has looked into this.

The gentleman from Texas [Mr. COLEMAN] says the Secretary of Transportation's office has already been decimated. So as we vote, I think it is a good clear vote. The Coast Guard needs the flexibility. They oppose the amendment. It is opposed by the Coast Guard authorizing committee. It would destroy the whole deficit reduction program.

Mr. Chairman, I strongly urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

The question was taken; and the Chairman announced that the yeas appeared to have it.

#### RECORDED VOTE

Mr. LATOURETTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title I?

#### AMENDMENT OFFERED BY MR. FOGLIETTA

Mr. FOGLIETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOGLIETTA: Page 14, line 7, strike "\$60,000,000" and insert "\$195,000,000".

Page 25, line 24, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 25, line 25, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 26, line 3, insert after the dollar amount the following: "(increased by \$135,000,000)".

Mr. FOGLIETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 20 minutes for each side. I was thinking 20 minutes total. But if the gentleman from Texas [Mr. COLEMAN] would like, 15 minutes each side for a total of 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. COLEMAN. Mr. Chairman, reserving the right to object, just so the majority and the minority can, in fact, do this on the amendments that may take a bit of time, I would ask the gentleman from Virginia [Mr. WOLF] if he would consider amending his unanimous-consent request so that it be divided for 10 minutes for the author, 10 minutes for the minority side, and 10 minutes for the majority side on the issue.

Mr. WOLF. Mr. Chairman, is the gentleman opposed to the amendment?

Mr. COLEMAN. Yes, I am.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the author be given 10 minutes, 10 minutes for the ranking minority member and 10 minutes for the majority.

Mr. COLEMAN. Mr. Chairman, did the gentleman ask if I supported the amendment?

Mr. WOLF. Mr. Chairman, I asked if the gentleman opposed the amendment.

Mr. COLEMAN. No, I support the amendment.

Mr. WOLF. Mr. Chairman, then I do not think that would be fair. I think we ought to go 20 and 20.

Mr. COLEMAN. Mr. Chairman, that would be fine.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOGLIETTA] will be recognized for 20 minutes and the gentleman from Virginia [Mr. WOLF] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise with my colleague, the gentleman from Pennsylvania [Mr. FOX], to offer a bipartisan amendment to keep our Nation's buses, trolleys, and subways on track. I ask my colleagues this: What does a pipefitter in South Philadelphia have in common with an elderly couple in Davenport, IA, or with a mother trying to get off welfare in Parkersburg, WV?

Mr. Chairman, what they have in common is that they all depend on mass transportation. A subway takes the pipefitter to his job in the Philadelphia Navy Yard. A Dial-a-Van takes the elderly couple in Iowa to visit the

doctor and a bus gets the welfare mother to her first job in Parkersburg. Mass transit is more than just metal and rubber on buses; it is more than just subway cars and vans; it is an investment in people and in self-sufficiency.

Mr. Chairman, it is shortsighted and wrongheaded policy to back away from Federal support of mass transportation, because what will happen if the committee cut in transit assistance happens? In Philadelphia, the transit fare, the second most costly fare in America, may increase by 3 percent or service will be drastically cut.

The van fare in Davenport will increase by 150 percent. A ride on one of Parkersburg's seven buses will increase by 135 percent. Transit is a priority all across America; in big cities, small towns and suburbs, and farm country.

I recognize the difficulties my chairman, the gentleman from Virginia [Mr. WOLF], faced in putting together this bill. These are tough budget times. We are all trying to do more with much less. Transportation is no different, but unfortunately, equity was not achieved. The Federal highway program gained an \$800 million windfall, while mass transit took 60 percent of the reductions in this bill. Transit operating assistance was slashed by 44 percent. Across the country, fares will go up and services will be cut.

With the reduction in operating assistance contained in this bill, it is estimated that in 43 small cities and towns across the country transit service will cease to exist. Transit services could end in Mansfield, OH; Greeley, CO; Nashua, NH; Yakima, WA; Muskegon, MI; Amarillo, TX; and Iowa City, IA. The list goes on and on.

Mr. Chairman, who will be the victims? In many smaller towns, the victims will be senior citizens; the same senior citizens who will receive dramatic increases in their Medicare. Our amendment restores a modest \$135 million for transit operating assistance. It rescinds \$135 million from the FAA's facility and equipment unobligated balances. The FAA has \$178 billion unobligated in this account.

□ 1830

My chairman has already taken back \$60 million from this balance in the bill. Some funds have been idle since 1991.

We need to make a small proportion of this money work for us right now. It still will be, if we take this money out, \$1.58 billion in this account, and in fiscal year 1996, we will be adding an additional \$2 billion.

Later today we will also be offering a second amendment to provide the outlay authority to fully offset this increase in transit assistance.

The second amendment would limit the obligations in highway demonstrations to \$200 million in fiscal year 1966. We wanted to be true to the principles of budget discipline. That is why pork-busting Citizens Against Government Waste have endorsed our amendment.

The administration requested elimination of highway demonstration project obligations in their budget request for the Department of Transportation. There are billions of dollars' worth of projects that our authorizing committee included in their bills.

These projects are 5 to 12 years old. This is a rational way to control spending. But let me make one thing clear: The amendment does not rescind or cancel a single highway demonstration project. I repeat, the amendment does not kill a single highway project or reduce funding for these projects.

This battle always comes down to a fight between highways and mass transit, but this is wrong. Transit and highways should not compete. They should complement each other.

I guarantee you the drivers in your district support this amendment. They want people who take transit to work today to be in their cars tomorrow? I do not think so. Drivers and transit riders share a common interest.

We have to support this shared goal by investing in transit.

Support the Fox-Foglietta amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Virginia [Mr. WOLF] opposed to the amendment?

Mr. WOLF. I am opposed to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOLF] for 20 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose the amendment. I think when people come over here to vote on this, they ought to think in terms of airline safety.

There are major problems with this amendment. It takes away funds from ongoing projects approved by Congress and a need to revitalize the air traffic control system across the country. Every time Pena comes up here, they talk about the air traffic control system over and over and over. This would hurt that very, very badly. Any Member thinking in terms of flying has been concerned about it. It is one thing to rescind funds that are no longer needed for pork-barrel projects. It is another thing to disrupt needed, ongoing programs. That is exactly what the gentleman's amendment does. It cuts programs needed for radar and communications systems all across the country.

The air traffic control system is falling apart. The bill before us today adds \$90 million above, \$90 million above the administration's request to put the system back in a good state of repair.

The gentleman's amendment would allow the FAA to take most of the money we added in the bill for safety-related equipment away. Many of you know the disaster safety records we have seen over the past year in aviation. This has been one of the worst years in aviation.

We need additional funding for safety systems, the terminal Doppler radar. You recall what happened down in Charlotte, the wind sheer alert system. So for that one reason alone, as many others, and I know the gentleman from Pennsylvania [Mr. SHUSTER] will cover it.

I am strongly opposed to the amendment.

The gentleman wanted to put more money into mass transit. We were sympathetic. Quite frankly, if you really want to help mass transit, when we have a vote tonight on 13(c), if you really want to help mass transit and lower the fares, you will also vote to eliminate the 13(c).

This amendment is not the approach.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, first of all, I believe we want to help mass transit. We want to help mass transit by using funds which are not going to be obligated this year; second, not by aiding mass transit by putting the aid on the backs of the working people of this country who work for mass transit.

The gentleman, and I am sure rightfully, declares that he is concerned about traffic safety, air traffic safety. Well, the fact remains the chairman himself rescinded \$60 million from this account.

Now, even with your withdrawal and my withdrawal, our rescissions, we still have \$1.58 billion in the account, and this year we are putting in \$2 billion more.

Mr. WOLF. Reclaiming my time, the committee, on page 62, strongly, strongly talks in terms of safety. It says—

the Committee has placed the strongest emphasis on maintaining, and improving wherever possible, transportation safety around the nation. Because of significant concerns over the past year regarding the state of aviation safety, the Committee feels strongly that additional funding emphasis should be placed on new safety-related equipment. Among other things, this equipment will provide controllers, pilots, and airline dispatchers a more accurate and up-to-date understanding of dangerous weather conditions and provide a clearer picture and automated alerting of potential conflicts between aircraft maneuvering on airport surfaces.

This amendment would not be good for aviation safety. This amendment would allow many of these programs to be cut, and you could talk about helping mass transit, which is fine, but you do not want to do it by taking money away from aviation safety.

Mr. Chairman, I reserve the balance of my time.

Mr. FOGLIETTA. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the amendment my distinguished colleague, TOM FOGLIETTA, and I are offering today is one of importance to me

and to those who represent urban, suburban, and rural districts alike.

One component of the Nation's transportation system, mass transit, will take a dramatic cut in funding as part of our overall effort to move toward a balanced budget. The current fiscal year 1996 Transportation appropriations bill reduces funding for mass transit operating assistance from \$710 million in fiscal year 1995 to \$400 million in fiscal year 1996. That's a 40 percent reduction, which will be devastating to the Nation's bus, subway, and light rail systems.

This blow to mass transit comes at the same time highway funding is being increased by \$800 million. This is unfair and wrongheaded policy. Highways and transit should complement each other, not compete against each other. Mass transit is more than metal and rubber, more than buses, subways and trains. It is critical to our cities, vital to the suburbs and a godsend to rural communities.

For example, my constituents from Montgomery County, PA, a suburban district outside Philadelphia, depend on buses, subways, and light rail systems to carry them to work, to school, to health care providers, and to recreational opportunities. In fiscal year 1995, Philadelphia received \$28 million in operating assistance. Under the proposed Transportation appropriations bill, funding would take a dramatic and unfair decrease to \$15 million.

This amendment is also about opportunity. Opportunity is a word and a concept that has gained great momentum on this side of the aisle and I know my colleagues on the other side of the aisle also appreciate our need to increase opportunities for all Americans. However, opportunities require access to be realized and mass transit provides that access.

As strong proponents of mass transit, Congressman FOGLIETTA and I have joined forces to restore a modest \$135 million for operating assistance for mass transit in the fiscal year 1996 Transportation Appropriations bill.

It rescinds \$135 million from the FAA's facility and equipment unobligated balances. The FAA has \$1.78 billion unobligated in this account and some of the funds have been idle since 1991. No one is looking to interrupt any safety projects, nor would this funding do so.

Our proposed increase in the rescission will still allocate \$1.45 billion to the FAA. We need to take a small portion of this money work for us now. Later today, we will also be offering a second amendment to provide the outlay authority to fully offset this increase in transit assistance.

Our amendment demonstrates budget discipline. That is why we have received endorsement by the Citizens Against Government Waste.

Mass transit is of vital importance across America—in big cities, small towns, the suburbs, and farm country. However, the funding in this bill would be devastating.

Fares would go up, services would be cut. My colleague, the gentleman from Pennsylvania [Mr. FOGLIETTA] stated he has estimated 43 small cities and towns across the country, their transit service would cease, and in my hand, I could go into statistics about many other areas in the country severely impacted.

I know my colleagues are well aware of these numbers and facts. We all know the value in mass transit. We need only to step forward now and restore fairness to overall transportation policy.

I ask for a favorable vote for the Foglietta-Fox amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

On page 66, Members ought to look, particularly Members from the Philadelphia area, Philadelphia National Airport.

Airport movement areas safety system (AMASS).—Given this program's importance to aviation safety, the strong support of the National Transportation Safety Board, and recent calls for accelerated fielding by the FAA Safety Summit, the Committee recommendation includes an additional \$20,000,000 for AMASS systems. The recommended level includes AMASS systems for airports in the following locations: Philadelphia, PA; Seattle, WA; Denver, CO (2 systems); Anchorage, AK; Miami, FL; Cleveland, OH; Dallas/Ft. Worth, TX; San Francisco, CA; Kansas City, MO; and Memphis, TN.

People want to ride transit. They want to ride airplanes safely. It would be wrong to take aviation safety money out to do this.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

(Mr. SHUSTER asked and was given permission to revise and extend his remarks.)

Mr. SHUSTER. Mr. Chairman, I join with the chairman of the Transportation Appropriation Subcommittee in strongly opposing this amendment.

This amendment would cut FAA capital funding to offset transit subsidies. This would rescind approximately \$130 million from the FAA's facilities and equipment account.

What do these accounts include? These are safety accounts, safety-crucial equipment, such as aviation radars, air traffic control equipment, and weather detection equipment.

This amendment would significantly delay or even cancel the delivery of aviation safety equipment at hundreds of U.S. airports. This amendment would put the safety of air travelers at risk.

FAA has been criticized repeatedly about its inability to develop equipment more quickly. Now, if this amendment passes, equipment delays will no longer be the FAA's fault but the fault of the Congress. If this amendment passes, we will not know what safety-related aviation equipment is going to be delayed or canceled.

This amendment simply cuts \$130 million. But it does not specify which

safety program. It gives Congress' power over the purse away and hands it over to the bureaucrats down at FAA who will be the ones to decide whether it is your safety radar that is going to be eliminated and which cities should have a safety cut because of this amendment.

Last year's aircraft accidents north of Indianapolis and in North Carolina tragically emphasized how important weather information is to aviation. This amendment could cut weather detection programs.

The point is if this amendment passes, we will not know what programs will be cut. It is a blind cut. Since the majority of projects in the FAA's facilities and equipment account are for safety, this amendment will cut safety projects.

Finally, the amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund. Aviation users pay into this trust fund, and they expect the taxes to support aviation capital projects.

The aviation taxes are not being spent now as intended, but if this amendment were to pass, it would further mask and distort the size of the deficit in that trust fund. If this amendment passes, it will reduce the aviation trust fund spending even further.

I strongly oppose this amendment and join with my colleague, the chairman of the Transportation Appropriations Subcommittee, the gentleman from Virginia [Mr. WOLF], in strongly urging a "no" vote on this antisafety aviation amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the fact of the matter is we are dealing with unobligated funds, not safety projects as has been stated, and the fact also is the Department of Transportation did not ask for the \$1.78 billion that is going to FAA.

No safety product will be cut. The fact is, \$135 million needs to go to save our cities, our suburbs, our rural communities, so mass transit can live on, be well and be safe, as well as cars and as well as our airways for our planes and helicopters and the air transportation.

I think we need to talk about how all systems must work together.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

This amendment would rescind approximately \$130 million from FAA's facilities and equipment prior year accounts.

I oppose this amendment for three reasons.

First, crucial safety equipment is funded by the facilities and equipment

account such as aviation radars, air traffic control equipment and weather detection equipment. This reduction would keep FAA from delivering aviation safety equipment to hundreds of U.S. airports. If airports don't have the necessary safety equipment, the traveling public will not be properly protected.

Second, this amendment fails to identify what projects will be reduced. We have no idea if radars in Missouri or landing aids in New York City will be cut. Under this amendment, FAA staff decides what programs to cut.

Finally, this amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund. Aviation users pay into this trust fund and expect the taxes to support aviation capital projects.

I strongly oppose the Foglietta amendment and urge you to vote "no."

□ 1845

Mr. FOGLIETTA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member of the subcommittee.

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, I rise in support of this amendment which would soften what everyone here understands and knows, or should know, has been a severe blow to the mass transit programs. One of the deepest cuts in this bill is the cut recommended for transit operating subsidy, a reduction of \$310 million or 44 percent below the current level that we spent in 1995. Now 44 percent cuts are pretty drastic. His amendment only softens the blow; it does not restore it. The cuts included will require deep reductions in transit services and steep increases in transit fares all across this country. To cut that will have a devastating impact on transit users throughout the Nation, but particularly in small urban areas and in rural communities.

I know when we say mass transit some people think, well, a mass transit worker must be in a big city. Well, that is just not the case. Those of us in west Texas understand the importance of this section of the bill. According to the Federal Transit Administration, if States and localities do not step in and make up the difference, and my colleagues and I know many of them will not or cannot, 43 smaller communities will face fare increases of more than 100 percent, and their transit systems are on a precipice of folding. Fifty other communities will face fare increase from 50 to 100 percent, and 61 communities could see their fare increased from 30 to 50 percent. Now those are data that we, the committee, has. It was made available to us, and yet this subcommittee went ahead and made what I consider to be improper and overly huge cuts.

Well, I will just say to my colleagues that I think what we need to understand is what the Foglietta amendment does. I hear all the objections coming from the other side about where he goes and gets the money on this section of the amendment. Where he is going of course is he is going to capital funding accounts in the FAA, and that is correct, unexpended balances. How many times have we heard we cannot keep money out there in agencies if we are not going to spend it? Well, they are keeping it. This is unexpended balances. In fact, \$130 million is a lot of money, but taken with a total unobligated—balances that are out there; do my colleagues know what that total is? It is \$1.7 billion, and this bill adds another \$2 billion. So the \$130 million out of the \$3.7 billion in moneys to be expended is not that big a hit on that capital account.

Now the reality is we all know that with this self-imposed national emergency that we now have on our hands in the appropriations process we have got to look hard to find dollars. But my colleagues and I know that the Foglietta amendment does not do devastation to anything.

It is interesting to note my chairman, the gentleman from Virginia [Mr. WOLF], correctly said we were not going to do highway demonstration projects, and he kept his word, we did not, but that does not mean this Congress is not doing them. This Congress is doing them, and that is where we ought to get to also, some facts. The bill itself, this bill, will permit continued spending on the 539 highway demo projects authorized under ISTEA which are completely exempt from any spending controls.

I say to my colleagues, "The next time you talk to a conservative in this place, I want you to ask him how he voted on this particular amendment." That is the issue.

Let us all admit what we are doing here: 539 continuing highway demonstration projects. All the Foglietta amendment does is limit it, limit obligations to anything in excess of \$200 million. He does not even cut those out. He was correct in his opening statement in telling everybody in this House that he was not cutting projects that are ongoing, he is not going to do that, it does not happen. It does not kill my colleagues' highway projects. What it simply says is that we have some spending controls with this amendment on 539 highway demonstration projects that this bill funds.

Mr. WOLF. Mr. Chairman, before I yield to the gentleman from California [Mr. MINETA] I yield myself such time as I may consume.

Let me say the ranking member in the committee talked a lot about aviation safety, and then all of a sudden he is not interested in it.

This deals with a terminal weather doppler system that, if it had been in effect in Charlotte, NC, the people probably would still be alive, and the

money he is talking about taking is the money in this bill. It is unobligated because the bill has not passed. Once the bill is passed, they will obligate it; that is the way the process goes. The FAA cannot obligate money until we pass it, and that is what we are doing today. We are trying to pass the bill.

So my colleague was interested in the committee and talking about our cuts with regard to the FAA. We have made cuts, but my colleague wants deeper cuts.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, I oppose the amendment offered by the gentleman from Pennsylvania, the proposed rescission of \$130 million from the facilities and equipment account of the FAA. F&E is the important program which provides the funds needed to develop and purchase the capital equipment used in the air traffic control system. Much of this equipment development will enhance the safety of the system and save lives. I have in mind such projects as Terminal Doppler Weather Radar, which will improve our ability to detect hazardous windshear, and airport surface detection equipment which will help avoid collisions while aircraft are moving around the airport. The F&E account also supports FAA's extensive program to modernize the air traffic control system, which now relies on equipment which is several generations behind the current state-of-the-art in technology, and which is becoming increasingly difficult to maintain.

All of the funds for the FAA's F&E program are taken from the Airport and Airway Trust Fund, which is wholly supported by taxes paid by the users of the aviation system. The users are entitled to have us respect the promises made when these taxes were imposed, that the funds will be fully used for aviation programs and not diverted to other modes of transportation, however worthy.

The Appropriations Committee has been strict with the F&E program. Under the committee bill, funding for fiscal year 1996 is almost \$100 million, or 5 percent below the funding for fiscal year 1995. There is no indication that the needs of the program are any lower this year. In addition, the committee has rescinded \$60 million of prior year appropriations; this represents funds which were made available for several years, and which FAA has not yet committed.

The amendment proposes rescission of an additional \$130 million from the F&E program. This will have serious adverse effects on FAA's ability to improve the safety and efficiency of the air traffic control system. There is no indication that the rescinded money is no longer needed. When this money was appropriated in prior years it was not

expected that all of it would be spent in the first year; the money was made available for 3 years or more. The supporters of the amendment have not shown that any of the prior years' funding is no longer needed. Although some F&E projects have gone more slowly than anticipated they are going forward. If the money appropriated to support these programs is rescinded it will have to be reappropriated when the FAA is ready to spend it. In the difficult budget climate we will face, it is not realistic to expect that future year funding will be increased to make up for funds which were rescinded. Much or all of the rescinded funding will be lost forever.

In short, the pending amendment threatens the safety and efficiency of the air traffic control system. I urge defeat of the Foglietta amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, let me say to the gentleman from Virginia \$1.7 billion is unobligated. It has already been appropriated, and the gentleman himself cut \$60 million under facilities and equipment, page 71 of the report, Mr. Chairman. In airport and highway trust rescission he has already cut \$60 million out of it. The \$130 million down to the \$1.7 billion that has already been appropriated, that is how it does work, Mr. Chairman. Do not get worried about how it does, in fact, work. The gentleman has already rescinded that money. When I talked about highway safety, I am talking about the next section, research, engineering, and development, where he zeroed out a number of programs that he should not have.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FLANAGAN].

(Mr. FLANAGAN asked and was given permission to revise and extend his remarks.)

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of the amendment offered by the gentlemen from Pennsylvania, Messrs. FOX and FOGLIETTA. They have brought forward a well-crafted amendment, and urge my colleagues to support it.

Mr. Chairman, we all recognize that a sound national transportation system is critical to a robust economy. Without the ability to move goods and people efficiently, our economic engine would soon deteriorate and eventually stall.

Today, Americans spend nearly \$1 trillion on transportation and related services, which represents nearly 17 percent of our gross domestic product. Each \$1 billion spent on highways and transit generates approximately 60,000 direct and indirect jobs. Mass transit does not only produce economic benefits, it also helps to reduce congestion, energy consumption, and pollution.

With all this said, let us look at the appropriations legislation before us today. H.R. 2002 cuts mass transit operating assistance by \$310 million. That's



a 40-percent reduction. Combine this with the fact that there is also a 20-percent reduction in capital funding, and we're talking about huge reduction in Federal support for mass transit. But while Federal funding for public transportation is sharply reduced, unfunded Federal mandates and regulations which burden our regional transit systems by driving up the costs of doing business are not being cut in the same expedient fashion.

I believe that we will get there but not this fast and not in this fashion.

Today, many of our regional transportation authorities are fighting for financial life. In order to survive, they're constantly trying to do more with less. But, they can do only so much until they reach the breaking point. Unless we first substantially reduce the amount of unfunded Federal regulations, we cannot, in good conscience, reduce a major source of income that keeps many of our transit systems afloat.

Mr. Chairman, while these reductions in mass transit are proposed, our highways are receiving a \$600 million increase from fiscal year 1996 and the Federal Aviation Administration is funded nearly \$1½ billion more than what the President requested in his budget. While I certainly support the concept of improved highways and airports, I cannot help but point out that there is something out of balance here. Highways, airports, and mass transit should complement each other, not compete against each other. I'm afraid with this kind of inequity in funding, highways, airports, and mass transit are being forced to become competitors. With all due respect to Mr. WOLF, this does not strike me as the best way to achieve an integrated, efficient national transportation system that serves as the lifeblood of our national economy.

Millions of Americans are utilizing mass transit today. Most of these riders are going to work; many are going to the shops or to the doctor or to school. For these people, mass transit is a wise commuter alternative; for some, it is the only alternative.

So, let us be fair to all of those people who rely on buses, subways, and light rail. We are not suggesting that Congress spend extravagantly. We are simply proposing to restore just some of the vital operating assistance our transit systems so desperately need. Congressmen FOX and FOGLIETTA have steered a responsible course in bringing their amendment to the floor. Restoring \$135 million in operating assistance is a good compromise.

In the end, Mr. Chairman, passage of this amendment is the fair thing to do.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN].

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Chairman, I rise in opposition to this amendment.

The amendment would cut approximately \$130 million from the FAA's facilities and equipment prior-year accounts.

The facilities and equipment account funds crucial safety equipment such as aviation radars, air traffic control equipment, and weather detection equipment.

This amendment reaches back to prior-year funds and blindly grabs money—the amendment doesn't state where the funding cuts are coming from. Will a radar get cut? Will a terminal Doppler Radar be cut?

This amendment gives away Congress' power to determine where American tax dollars are to be spent and hands it over to bureaucrats who decide what radar in what city should be cut.

This amendment would significantly delay or even cancel the delivery of aviation safety equipment at hundreds of U.S. airports all across the country.

FAA has been criticized repeatedly about its inability to develop and deliver aviation equipment quickly.

I am currently working with Congressman LIGHTFOOT and Congressman OBERSTAR on a bill to reform FAA which would improve the way FAA acquires equipment. This amendment undermines that effort.

It is important to remember that this amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund.

In other words, the gentleman's amendment would take away the opportunity to spend aviation taxes on aviation programs and instead spends funds on inner-city transit subsidies.

This is wrong. These aviation taxes are placed in a trust fund, over \$5 billion each year, for the sole purpose of aviation improvements at airports all over this Nation.

Aviation users expect the taxes to support aviation projects which are badly needed.

The fact is that this amendment does not save any money. It merely shifts money from important aviation safety projects to transit subsidies.

I strongly oppose the Foglietta amendment and urge my colleagues to vote "no."

□ 1900

Mr. FOGLIETTA. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman.

Mr. Chairman, the gentleman said on two occasions that we are not concerned about air safety, but rather inner-city subsidy mass transportation. Nothing could be further from the truth. The fact is, sir, we are concerned about air safety, and the fact is that we will have remaining in this account \$1.58 billion after this reduction is made, and we are putting an additional \$2 billion in this year. The fact is that this money will not be used only for inner-cities, but for every small town throughout the United

States of America to provide some sort of mass transportation.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Chairman, I rise in strong support of the Foglietta amendment.

Mr. Chairman, operating subsidy is crucial for the operation of our transit systems, both in rural and urban America. I represent an area with bus systems. The reality is that for thousands of people who live in our urban centers, the only way they have mobility is through the bus system. In other areas it may be rail, but in mine it is all bus.

There is a significant number of people, I believe today the number I heard was over half the people, in poverty have no cars. Most of them are working. The only way they get to their job is by riding a bus.

Buses are labor intensive. You have to have somebody operating them. You cut this operating subsidy, States are cutting back, the only thing that is going to happen is that the rate structure is going to go up, or they are going to cut routes in our urban areas, and what it means is fewer and fewer people can get to work.

Mr. Chairman, we are talking about welfare reform, of requiring people to go from welfare to work. I think we all agree with that. But the reality for thousands of people who live in our urban centers today is the only way they are going to be able to get to a job is to ride transit. We are either going to eliminate the service or make it more expensive.

The amendment makes sense. My only problem is I wish it were more generous. It is a very moderate reinstatement of funds for operating purposes. It makes good sense, and the House should adopt it.

Mr. FOGLIETTA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in support of this amendment offered by my friends and neighbors, the gentlemen from Pennsylvania, Mr. FOGLIETTA and Mr. FOX. In rhetoric, we talk a lot about protecting the environment, in encouraging mass transit, and in encouraging people to use more cost-effective ways to go to work.

In New Jersey as well as other States in the Union people are being forced to endure higher cost car inspections costs and put new emission controls on their vehicles, all in the name of environmental protection. The best thing we can do in the name of environmental protection is to encourage people to use mass transit. Dramatic cuts in name work in the opposite direction. The gentlemen from Pennsylvania, Mr.

FOGLIETTA and Mr. FOX, have offered a modest, sensible way to reallocate funds from one part of this bill to another to encourage more people to use more mass transit.

This is good economically, it is good environmentally, and I want to urge my colleagues to support this well-thought-out amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that I respect greatly the chairman of my subcommittee, and sometimes when he speaks against mass transportation, I think he is speaking with his head and not with his heart, because he was a resident of Philadelphia who rode the mass transportation daily on his way to work and on his way to school, so I know he has a great sympathy for what we are trying to accomplish.

But let me say, Mr. Chairman, that, No. 1, we are concerned about air transportation safety. We are desperately concerned about that on this side of the aisle.

However, we want Members to understand that even if we make this rescission, there will remain \$1.58 billion unobligated, and this year we are adding \$2 billion more for air traffic safety. So we are concerned about safety.

But let me just say also that, No. 2, this is not a subsidy only for inner-city mass transportation. This is helping mass transportation throughout the United States of America. Senior citizens in small villages need to get to the doctors, they need to get to their bank. This is provided for them by mass transportation.

In urban areas, people have to get to work. We are concerned so much about taking people off of welfare and putting them in jobs. We have to understand, Mr. Chairman, that there are many people throughout this Nation who cannot afford automobiles, who depend on mass transportation for their livelihood and their very existence.

I ask Members to please support the Foglietta-Fox amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia is recognized for 4½ minutes.

Mr. WOLF. Mr. Chairman, I rise in strong opposition. The gentleman is right, I took the 36 trolley car and went downtown; and, to the gentleman from New Jersey [Mr. ANDREWS], I used to take the trolley car when I was a mailboy for Curtis Publishing Co. over to Campbell Soup. So I am a big fan of mass transit, but this is not the way to do what the gentleman is doing. Let me read from the hearings.

In the hearings, this is what was said:

Virtually all of the 2,300 radar displays in our en route center are over 23 years old.

This is the Secretary of Transportation.

We have more than 500 landing systems that are between 15 and 30 years old. We have close to 400 radars that are between 15 and 30 years old, all of the largest communications switches in our en route center.

Then the Secretary goes on to say:

All the largest communications switches in our en route centers are over 29 years old. In an age where generations of computer technology are measured in months, the FAA spends \$7 million a year on vacuum tubes, a technology invented at the time of the Wright Brothers' first flight. This would be a mistake.

In the hearings, the Secretary made it clear.

Second, the minority Members, the gentleman from Texas [Mr. COLEMAN], my good friend, signed the minority views, and this is what the minority said:

Moreover, we believe that many important transportation technology and safety enhancing activities are cut too deeply in this bill.

Now, you thought it was cut too deeply in the bill; now you want to cut it deeper. The minority said:

We had hope for a better vision, bolder ideas and a more balanced approach to the critical transportation infrastructure and safety issues financed in the bill.

Well, that is what we are doing. The gentleman is going the other way.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I appreciate the gentleman yielding. The Foglietta amendment does not touch a dime of that. Just so the gentleman knows and so our colleagues are aware of the facts, it does not cut a dime of that.

Mr. WOLF. Mr. Chairman, reclaiming my time, it does. It cuts the money here that the Secretary says he needs. It cuts the facilities and equipment accounts, it cuts safety, and if Members will recall the North Carolina situation in Charlotte where the airplane crashed because the terminal Doppler radar system in Charlotte was not there, it would deal with wind shear alert system and many of the things the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. DUNCAN] said.

In closing, we put in the report so Members could see, although I know very few people read these things, it said:

In setting priorities for this bill, the committee has placed the strongest emphasis on maintaining and improving wherever possible transportation safety around the nation. Because of significant concerns over the past year regarding the state of aviation safety, the committee feels strongly that additional funding emphasis should be placed on new safety related equipment. Among other things, this equipment will provide controllers, pilots and airline dispatchers, a more accurate and up-to-date understanding of dangerous weather conditions and provide a clear picture and automated alerting of potential conflicts between aircraft maneuvering on airport surfaces.

If you vote for the gentleman's amendment from Pennsylvania, you will be basically negating this page from the report, because it will be basically meaningless. We put money in for safety because safety is important.

Quite frankly, you could probably abolish the Department of Transportation, if it were not for the safety role. This is a fundamental major safety issue, and I strongly urge my colleagues, whether you are for mass transit or against, it, and I happen to be for it, the way to solve it is not to take safety money from the FAA.

So I strongly urge and plead on behalf of the flying public, a "no" vote on the Foglietta amendment.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. FOGLIETTA. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on this amendment will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title I?

#### AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment, marked No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 27, line 9, strike "\$1,665,000,000" and insert "999,000,000".

Page 27, line 12, insert "and" after the semicolon.

Page 27, line 15, strike the semicolon and all that follows through "project" on page 30, line 6.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that debate on this amendment be extended to 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. COLEMAN. Mr. Chairman, reserving the right to object, I would ask if I could have one-half the time reserved for those in opposition for the minority side?

Mr. WOLF. Mr. Chairman, if the gentleman would yield, I would yield 5 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. MENENDEZ. Mr. Chairman, reserving the right to object, I would ask the gentleman, is this the amendment with reference to the 40 percent under ISTEA available for construction of new fixed guideway systems?

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield, this is the new start, taking out the \$666 million for 1 year.

Mr. MENENDEZ. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

POINT OF ORDER

Mr. MENENDEZ. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MENENDEZ. Mr. Chairman, the new starts fiscal year 1996 appropriations, as well as the entire section 3 obligation limitations, is consistent, to the chairman's credit, with section 3006 of the Intermodal Surface Transportation Efficiency Act of 1991. This section provides that section 3 of Federal transit administration discretionary grants shall, shall be available as follows: "Forty percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems."

The amendment of the gentleman from Michigan [Mr. SMITH] would lower the ISTEA authorization percentages by virtue of the reduction in funds, in which the gentleman does that specifically on letter B on page 172 of ISTEA, specifically reducing this 40 percent available for construction of new fixed guideway systems and extensions to fixed guideway systems, and, in doing so, takes away the authorizing language of the 40 percent that shall be available for construction of such guideway systems. This would alter the authorized percentages, and thus would constitute an authorizing change on an appropriations bill, violating rule XXI.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SMITH] desire to be heard on the point of order?

Mr. SMITH of Michigan. Mr. Chairman, this amendment simply deletes an amount appropriated in the bill and is consistent with the rules of the House.

Mr. MENENDEZ. Mr. Chairman, in furtherance of the point of order, I would have the Chair note that the reality is that last year's bill, which also tried to reduce the authorization, needed special language in order to accomplish that, because it could not be done strictly by reducing the amount.

□ 1915

So, therefore, while it is the amount that it is being reduced, it, in fact, goes against the grain of the authorizing mandatory language in ISTEA which suggests that 40 percent shall be available for such construction.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SMITH] wish to be heard further on the point of order?

Mr. SMITH of Michigan. Mr. Chairman, I would also like to comment that almost one-half of these projects are unauthorized. They have been appropriated, but they have been unauthorized projects. It is not consistent with the rules of this House to do that except when those unauthorized projects are protected by a decision of the Committee on Rules. In this case, they have. The only recourse Members

have is to consider a reduction in the amount appropriated, and I would suggest to the Chair that that is consistent with the rules of the House.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

The CHAIR is prepared to rule.

The amendment of the gentleman from Michigan is a reduction in an amount of appropriation. There are no textual changes in the distribution formula.

Therefore, the point of order is overruled.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 3 minutes.

It is very difficult to proceed with an amendment that reduces 666 million out of a budget and just simply give an argument of 10 minutes. Four of us will attempt to do that.

When I was director of energy for the U.S. Department of Agriculture, in the early 1970's, we met every morning at 6:30 at the White House to decide how we were going to conserve energy, how we were going to reduce pollution, and how we were going to serve people that needed to move to the inner cities.

We decided to give extra support for mass transit at that time for those reasons. In every case for the pollution question, for the environmental question, for the conservation of energy question, for helping people move to the inner city, those efforts in these fixed guideway systems have failed.

This bill has \$660 million which is an incredible increase of \$19 million over last year's appropriation. The point is that many new starts are losing local support because of the inefficiency, because of the high cost, so we see local units pulling back while willy nilly we continue to say we will use Federal taxpayer dollars to continue to support these projects.

I name a couple, the Tasman project in California, which was approved and funded. They pulled out because of lack of local support. The Chicago circulator project pulled out. The Salt Lake City and the Los Angeles and the Portland project are now under scrutiny because even with the maximum 80 percent cost share by the Federal Government and only 20 percent cost share by locals, they think their 20 percent is a waste of money. So this amendment simply says, let us set back for one year, let us have a moratorium of 1 year and have an examination of what is helpful and realistic.

We have sent a letter to GAO, signed by myself, the gentleman from Ohio [Mr. CHABOT], the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, and said, evaluate these projects to see if it is reasonable to have this cost and if they will be helpful.

This amendment is what was recommended by the House budget resolu-

tion passed by this body just weeks ago. It is supported by the Citizens for a Sound Economy. It is supported by the American Legislative Exchange Council. It is supported by the Americans for Tax Reform. The National Taxpayers Union is scoring it. It was actually suggested by the Heritage Association.

This, my colleagues, is an important amendment. Consider where you want to borrow the money and spend that money in future years. By building these projects, we are also committing ourselves to subsidizing these projects in future years, because they cannot operate by themselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise today in support of the Smith-Chabot amendment to terminated new starts for mass transit. Mr. Chairman, we just passed, then just failed by voice vote here on the floor to offer additional moneys for mass transit operating expenses. At a time of budgetary constraints that we are in at this time, it makes no sense at all to be appropriating money for new starts for mass transit.

I do so also support this amendment because the current Federal transit funding system relative to mass transit, each time a gallon of gasoline is purchased in the United States, 1½ cents goes into the mass transit account of the highway trust fund.

The State of Oklahoma is a generous donor State in public transit. In fiscal year 1993, Oklahomans paid an estimated \$30 million into the Federal mass transit account and received less than \$2 million in return. Oklahoma ranks 42nd in return on Federal mass transit dollars.

I ask why should Oklahomans and other donor States pay for mass transit systems in Washington, New York, Philadelphia, Boston, when my own hometown of Tulsa is in dire need of mass transit funding. It is not only not fair, it is ridiculous. The Federal Government has been subsidizing mass transit with the well-intentioned hope that it would become an efficient self-supporting method of transportation. Unfortunately, it has not worked out.

I believe that in this era of returning responsibility and authority back to localities, which have to deal with the everyday problems that towns and cities face, funds for mass transit which are generated at the local level should remain at the local level.

I support this commonsense amendment which puts an end for new rail starts for mass transit. I urge all of my colleagues and especially those from donor States to vote "aye" on the Smith-Chabot amendment.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Virginia [Mr. WOLF] will be recognized for 5 minutes, and the gentleman from Texas [Mr. COLEMAN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment.

Mr. Chairman, I rise in opposition to the Smith-Chabot amendment and urge my colleagues to join both the authorizing committee and the appropriations committee in opposing this short-sighted amendment.

I say short-sighted because this amendment ignores the lessons we have learned about reducing traffic congestion and cleaning up our polluted air. In some of our cities building new highways is not enough. Traffic congestion has brought us acres of new parking lots where once commerce and commuters traveled freely. We learned that our mobility solutions must involve both highway and transit alternatives.

In some heavily congested corridors, such as those listed in this bill, the appropriate new transportation investment is a transit fixed guideway system which we call a "New Start." These new starts include busways in Texas and California, light rail lines in Maryland and Oregon, commuter rail lines in fast-growing Florida, a downtown circulation system in Memphis, TN, and a ferry boat terminal in New York City.

In other words, striking New Start funds, as this amendment would do, would hurt tens of millions of American commuters who depend on transit solutions to meet their local mobility needs. We should support, not undercut, our national transportation policy which allows our cities at the State and local level to select the transportation solutions, highway or transit, which are right for them. Let's not micromanage our local folks out of business or pit one city against another.

Mr. Chairman, my colleagues know that the authorizing and appropriating committees have not always agreed on every issue on this floor. Well, today we stand united in opposing the Smith amendment.

I urge my colleagues to reject the "us against them" philosophy embodied in this amendment and vote against the Smith-Chabot amendment.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, none of these projects are new starts. None. There is not a new start in the projects. It is the name that has been given, and we should probably change the name. All of the projects here have been funded in the past after extensive hearings. Some of them are the very best in the country. Let me give you one example.

The San Juan Tren Urbano project, the local government is paying two-thirds of the project and the cost effectiveness is \$4, well below the \$7 threshold recommended by the FDA. Another one involved here for Members from Texas is the Dallas project. The local match is 80 percent, if we could get local government to match 80 percent.

So really, there are no new starts in the project. Every single project that

will be cut has had a continued funding, some for many, many years. In fact there is one or two, this will be the last amount of money that they will get. The one with regard to, up in Chicago, the commuter rail, 14.4. This would be the last time they will get it.

Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield myself 1 minute.

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, we did the budget constraints. We provide only \$513 million for these 11 projects, even though the president recommended \$677 million.

All of the projects recommended in the bill will require significant State and local financial commitments. I think that the chairman just spoke to that issue. I will go down them: Dallas, TX, South Oak Cliff project, Los Angeles CA, New York, Houston, TX, Orange County Transitway, San Francisco, CA, airport project, Trem Urbano project in Puerto Rico. We all understand that commitment.

I cannot support an amendment that further cuts Federal support for transit infrastructure when this bill already cuts it, capital assistance 20 percent below the 1995 level. We talk about cutting transit assistance. We are really talking about ordinary people who depend on the bus, subway or train every day. We are talking about working Americans, 6 million people who use transit to get to work every day.

We need to oppose this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. CHABOT], co-sponsor of this amendment.

(Mr. CHABOT asked and was given permission to revise and extend his remarks.)

Mr. CHABOT. Mr. Chairman, relative to the term new starts, many of these projects, nothing has actually happened on the ground. There are some environmental studies or they are in some sort of study. Nothing has really happened. So many of them are in the very early stages.

I believe it is absolutely critical for the future of this Nation that we finally balance the budget, not by raising taxes but by cutting spending. We are looking for places to cut spending. This is clearly a place to cut spending.

The Federal Government has financed a number of fixed guideway mass transit projects over the past three decades. This year the House Committee on the Budget at last decided that new light rail systems cannot be economically justified and recommended that we end the practice of funding these new projects. Despite huge amounts of Federal spending to build and then to subsidize the operating expenses of local light rail systems, many of these projects are proving to be expensive boondoggles.

The Smith-Chabot amendment would accelerate the savings to the taxpayers

by eliminating from next year's spending \$66 million for new starts. Now, that is a huge amount of money. But the implications of this initial spending go far beyond that. We are talking about long-term commitment that would cost American taxpayers billions of dollars if these things go through.

Once these projects are started, cities and States look to the Federal Government to pay future construction costs. In fact, the Committee on Appropriations reported that the Federal cost for completing new projects has surged \$20 billion, a 150-percent increase over 4 years ago.

I have been told by people back in my district, which is Cincinnati, that our No. 1 priority should be achieving a balanced budget. I strongly agree with those sentiments. Many of the people at the State and local level do not believe that light rail makes economic sense but will nonetheless proceed with such projects if the Federal Government will foot the bill. We can no longer afford to foot the bill. We are broke.

At a time when our No. 1 priority is achieving a balanced budget, Federal funding for new light rail projects just does not make sense. A Department of Transportation study has found that subsidies for building and operating mass transit rail programs costs between \$5,000 and over \$17,000 per rider. New mass transit rail systems are so incredibly expensive to build that it might actually be cheaper if we just bought people cars.

It is absurd. We should pass this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. BUNNING].

(Mr. BUNNING of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. BUNNING of Kentucky. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment.

No one wants to be a pork barrel politician these days. It isn't the politically correct thing to do. But we cannot afford to run every time we see a needed infrastructure project come along.

We cannot afford to make the mistake of sticking our heads in the sand—no matter how badly we want to balance the budget—and pretend that we aren't going to need improvements in our Nation's infrastructure in the next several decades.

This amendment basically does just that. It says "We can save a few dollars today by pretending our transportation system won't be overloaded to the point of breakdown in the next 10 years."

We can do that—but it is very foolish to do so. What do we do in 10 years? Park our cars and walk?

I am not familiar with every project on this list. There might be some clinkers in there—there might be some projects that go oink in the night.

But I am familiar with one project in particular—the I-71/I-75 corridor study to determine

the best way to meet our transportation needs in the future on a heavily traveled corridor through Cincinnati, OH and northern Kentucky.

This project is not pork. This project is a vital infrastructure necessity, if our area is going to continue growing without gridlock.

We can't just stick our heads in the sand, in northern Kentucky and southern Ohio. We know that traffic through this corridor is going to increase to between 100,000 and 160,000 vehicles a day over the next 10 years—if we can keep them moving.

We know that emplanements at the Cincinnati/northern Kentucky airport are going to more than double over the next 10 years—if the people can get there.

We know that the air quality problems which have already plagued the area periodically are going to get worse—unless we find new ways to move people through the corridor.

We know that northern Kentucky is growing like wildfire and that major downtown and waterfront developments are taking place on both sides of the Ohio river and we know that the existing transportation system is not going to be able to handle this expansion.

And we have responded to these facts—reasonably, rationally and cautiously. We have followed the blueprint laid out in ISTEA.

The Ohio-Kentucky-Indiana Regional Council of Governments—which serves as the designated metropolitan planning organization for the area, supports this project. It has the support of the Governors of Ohio and Kentucky and the local officials on both sides of the river.

The Federal Government has already invested \$2½ million in this ongoing study. State and local sponsors have already spent over \$600,000. This project was included in the highway authorization bill that passed this body last year. It is not something new that we dreamed up on the spur of the moment.

This project has followed all the rules.

This bill provides \$2 million to continue the process and provide for an environmental impact study and preliminary engineering—so that we can determine the best way to proceed.

It would be ridiculous, at this point, to throw out everything we have done—ignoring the investment of \$2½ million—to save \$2 million today.

The Smith-Chabot amendment is penny wise and pound foolish, Mr. Chairman and we simply can't afford it.

I urge my colleagues to reject this amendment. We can save a few bucks today by sticking our heads in the sand but if we do so, sometime down the road, we are going to find out that not only do we have sand in our ears but we also have one terrible traffic jam.

Reject Smith-Chabot.

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Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ], whose State is adversely affected by this amendment.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. We have heard about

pork barrel. Let me say, this amendment is sound bite politics. Virtually every program the gentleman wishes to strike has broad bipartisan support. I think my colleague, the gentleman from New Jersey, will be saying the same thing.

I received a call from the office of Republican Governor Christine Whitman saying, "Look, you need to speak against this ill-advised amendment." In my State, this amendment would destroy more than a dozen years of hard work and bipartisanship that created universal support for an essential transportation program that has been a model for the Nation.

The discretionary grant section of this bill includes New Jersey's urban core project, which is of major importance to New Jersey, both in terms of jobs created and for the improvement in our mass transit system. By linking several of New Jersey Transit's existing rail lines and modernizing equipment and facilities, the New Jersey urban core project is designed to make travel on the State rail network quicker, safer, and more convenient for thousands of current and potential riders.

The passage of the Smith amendment, as Governor Whitman's office says, would be devastating to New Jersey, and for that fact, other forward-looking States' transportation systems, and to the employment of hundreds of thousands of workers nationwide who depend on public transportation.

We talk about empowering people, Mr. Chairman, but the fact of the matter is that one of the major ways we do this is to create a transportation system that can get people to where there is work, or to shopping centers that create economic opportunities for the host communities to realize rateables and create jobs. This is knee-jerk, uninformed, and I would suggest it is posturing at its worst. Mr. Chairman, I urge the House to reject the amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, I suppose I speak now for the knee-jerk uninformed types, because I believe an old Yiddish proverb that says no matter how long and how far you go down a path, if it is the wrong path, it is time to turn around. We have been going down this path and this railway for a long time. The fact of the matter is it still does not pay for itself.

For more than two decades the Federal Government has subsidized mass transit in hopes that it would become an efficient, self-supporting method of transportation. Unfortunately, it just has not worked out. Most people have chosen not to ride, and we have had to continually subsidize the existing systems. In 1970, public transportation carried 9 percent of commuters nationwide. Over the past 20 years, we have

been pumping in federally subsidized dollars, and still the number continues to plummet. It has now fallen to 5 percent, yet the fares that are being charged do not even cover current operating costs in any system. That is true in every mass transit system in this country. Mass transit is clearly not cost effective.

This amendment makes sense, and it says that rail systems are using resources that could be better used elsewhere. That is why the National Taxpayers Union and other groups are coming out front and saying a very basic truth that Americans want us to say in this Government: If it does not make economic sense, if you could not find anybody in the private sector to engage in this type of business, then we do not need to throw more good money at bad money. We need to freeze new spending for these types of projects, say no to this waste and this pork, and move forward and be cost efficient and probusiness.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEWIS], a member of the committee.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding time to me. I would like to extend my congratulations to the gentleman from Virginia, Mr. WOLF, the chairman, as well as to the ranking member, Mr. COLEMAN, for the fantastic job they have done on a very, very difficult subject area.

Mr. Chairman, this bill appropriates \$1.4 billion less than the 1995 transportation bill. Furthermore, this bill even falls \$384 million below the subcommittee's 602(b) allocation. This is a very, very tough bill and a very, very difficult circumstance. This amendment before us has the potential of costing State and local governments millions of dollars to close down projects, settle lawsuits, and pay termination costs to contractors. Beyond that, if we cut this funding, we are eliminating jobs.

Unfortunately, the amendment will not reduce the deficit or even reduce Federal spending. The \$666 million the amendment proposes to cut will be put back into the Highway Trust Fund to be allocated at some future date. The amendment cuts funding for important projects in Atlanta, Boston, Cleveland, Dallas, Houston, Los Angeles, and the list goes on. I urge my colleagues to vote "no" on the amendment.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment. This amendment unfairly penalizes communities across this Nation by eliminating their fair share of transit funding.

The Federal Government has recognized the importance of balancing the transit needs of older and newer communities by dividing mass transit funding into three parts:

Forty percent of funding goes to rail modernization designed to assist older communities with previously developed transit systems—such as New York, Boston, and Philadelphia.

Forty percent is allocated to so-called new starts to develop transit in newer cities in the West, Southwest, and Southeast, such as Los Angeles, Portland, Houston, and Dallas.

And the remaining 20 percent is to be allocated for bus projects nationwide. The Smith-Chabot amendment would eliminate essential transit projects designed to assist communities and transit riders in newer and still burgeoning urban and suburban areas. While older communities would continue to receive funding for transit, newer areas would be unfairly penalized.

I also want to address specific issues raised by the sponsors of the amendment with respect to the Los Angeles metro rail project. Contrary to the Dear Colleague circulated by the sponsors, support among locally elected officials, Los Angeles County communities, and the business community remains nearly unanimous.

The sponsors of the amendment cite a commentary by State senator Tom Hayden, criticizing ridership figures on the Los Angeles subway. But those ridership figures are based on only 4.4 miles of subway currently operating out of a total of 23 miles to be constructed.

When complete, red line ridership will be fed by another 56 miles of light rail. The subway is the spine of a comprehensive transit system, the object of which is to make mass transit in Los Angeles accessible and convenient—changing a culture that relies on the automobile. That reliance must end if the region is to address problems of mobility, economic efficiency, and worsening air quality.

The need for the Los Angeles system is clear. Los Angeles County's population will increase by 3 million to almost 12 million by 2015. This is comparable to adding the current city of Los Angeles to the county's population.

Finally, I want to point out that the Federal Government has a contract with the citizens of Los Angeles County to fulfill its commitment on this project. Los Angeles is more than pulling its weight in investing in transit.

Over the years, we have continued to seek only a 50-percent Federal share out of a possible 80 percent. Twice, we have voted to tax ourselves to increase mass transit investments. And 70 percent of our total rail system is being built with no Federal involvement.

I strongly oppose the Smith-Chabot amendment and urge its defeat.

Mr. COLEMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California, [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment to the Department of Transportation Appropriations bill. This amendment would transfer money allocated for needed mass transit projects back into the Highway Trust Fund.

These Section 3 New Rail Starts and Extensions projects are strategic transportation investments in our cities which act as a magnet for economic development and productivity. These projects will provide our urban and suburban areas with effective and diverse transportation options.

In the San Francisco Bay Area, we are committed to a \$3.5 billion rail extension program capital program. Seventy percent of these projects are being financed with voter approved sales taxes and State bonds. The largest rail extension, the Bay Area Rapid Transit system, would link the San Francisco International Airport to San Francisco and the rest of the Bay Area.

The airport is under a major expansion program. The projected increase in traffic to the San Francisco Airport would overwhelm the existing highway system. A rail link is vital for air travelers arriving in the Bay area, for airport workers, and for commuters.

Federal funding for new rail starts addresses many important issues for our communities and cities. Mass transit can significantly improve air quality. Rail provides transportation services to the elderly and the disabled. Mass transit reduces the congestion on our highways which are being stretched the limit in many parts of the country. In the San Francisco Bay Area we have virtually exhausted our ability to build new highways or widen existing highways.

Mr. Chairman, this amendment saves no money, since the funds would revert back to the Highway Trust Fund. I urge the defeat of this attack on mass transit. These new rail starts are forward-looking, sound, transportation investments in our cities. Let us make these needed investments.

Mr. COLEMAN. I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Chairman, I, too, rise in strong opposition to this amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK], who is also from a State which will be adversely affected by this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I strongly oppose the Smith amendment, and I urge my colleagues to do the same. There is no deficit reduction in the Smith amendment, but there is a reduction in the quality of human lives that reside in all of our communities.

If Members look at where transportation needs are, my State of Florida is growing by over 700 people a day. They need to have a chance to get to work. We talk about jobs; this is a way to get jobs in our community.

I could speak from a personal experience about how good doing these new starts are. Dade County, FL, is one of the fastest growing areas. Our roads are gridlocked. There is no land for more growth. All of the super highways have been built. There is simply no more room to build new ones. We do not want this bill to be a relief act for the big transportation highway builders, we want to get a way for our people to get to work. Mr. Chairman, I strongly oppose this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Smith amendment. I believe it is shortsighted and it goes against the very principles of the ISTEA act of 1991. When Congress passed ISTEA, the goal was to give flexibility to the States, so that they could best meet their own transportation needs. The Smith amendment denies this right.

Mass transportation has already been cut substantially in this bill. This Congress has said time and time again that one-size-fits-all approach does not work. If a State chooses mass transit over highways, then they should be afforded that option, and not be forced into one type of transportation.

The Smith amendment is sending the wrong message. Mass transportation is a vital link to the economic and social well-being of the citizens of New Jersey and of the Northeast, the entire United States. I urge my colleagues to reject this amendment.

Mr. SMITH of Michigan. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has one-half minute remaining, each of the other two gentlemen have 1 minute remaining, and the gentleman from Virginia [Mr. WOLF] has the right to close.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment, and not to attempt to repeat everything that has been said, but this amendment will interfere with a number of projects already started. In Dallas alone, it will interfere with 64,000 jobs, with the capacity to increase the worth and the amount of revenue into the billions of dollars.

Mr. Chairman, this amendment will stop transportation routes that have already begun, that would get people to work, to their homes, and then provide jobs. I would ask all of my colleagues to vote against this amendment.

Mr. COLEMAN. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I would ask the gentlewoman in the time remaining, it is true, is it not, that the local government of Dallas, TX, is paying for 55 percent of the Dallas, TX, south Cliff project, as it is?

Ms. EDDIE BERNICE JOHNSON of Texas. That is right, Mr. Chairman.

Mr. COLEMAN. Mr. Chairman, if the gentlewoman will continue to yield, I would just say that this is the kind of amendment that does a lot of damage to a lot of projects that are in varying stages of development all across the United States. It should be defeated.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has a final one-half minute remaining.

Mr. SMITH of Michigan. Mr. Chairman, these are local projects. We are asking for a 1-year moratorium. The gentleman from Ohio, JOHN KASICH, chairman of the Committee on the Budget, and several of us have requested that GAO evaluate these projects. Mr. Chairman, I would like to mention that we have the Committee on the Budget resolution that we passed, the National Taxpayers Union, the Citizens for a Sound Economy, Americans for Tax Reform, and Heritage support this amendment. We have to take time to move back and decide the best way to spend available funds.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and yield the balance of my time to the gentleman from Pennsylvania [Mr. COYNE] for closing.

Mr. COYNE. Mr. Chairman, I rise in opposition to the amendment before the House which would eliminate all funding for mass transit projects and shift these funds to highway projects.

I am very concerned about the impact of this proposed amendment on the people I represent. Pittsburgh and the Port Authority of Allegheny County are depending on the Airport Busway project to provide a cost-effective answer to the traffic congestion now common between downtown and the airport.

The Airport Busway used former railroad rights of ways as dedicated roadways for transit buses that travel free from local traffic congestion. This project is ranked as one of the most cost-effective in the country and the Port Authority of Allegheny County has already completed a full funding grant agreement with the Federal Government.

The Pennsylvania Department of Transportation is also depending on the Airport Busway to provide an alternative to the Ft. Pitt Tunnel and Bridge which is the main Interstate 279 link between the city of Pittsburgh and the suburban area south of Pittsburgh. The tunnel is scheduled to be closed for renovation and PennDOT is depending on the Airport Busway to provide an alternative to this bridge which is one of the busiest traffic points in the city.

The Airport Busway began construction last year and is scheduled to be completed by 1997. Stopping this project at this point would be catastrophic for the city of Pittsburgh and the port authority. It would result in the waste of over \$184 million in previously approved Federal funds. This is hardly the way to safeguard the Federal taxpayer's money.

Mr. Chairman, I urge my colleagues to oppose the Smith-Chabot amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. SMITH] will be postponed.

Are there further amendments to title I?

## SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 24 offered by the gentleman from Ohio [Mr. LATOURETTE]; the unnumbered amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA]; finally, amendment No. 12, offered by the gentleman from Michigan [Mr. SMITH].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

## AMENDMENT OFFERED BY MR. LA TOURETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. LATOURETTE] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 234, not voting 17, as follows:

[Roll No. 558]

AYES—183

Abercrombie  
Ackerman  
Andrews  
Baldacci  
Barcia  
Barrett (WI)  
Barton  
Beilenson  
Bereuter  
Bishop  
Blute  
Bonior  
Borski  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Bunn  
Burr  
Callahan  
Camp  
Canady  
Cardin  
Clay  
Clayton  
Clyburn  
Collins (IL)  
Conyers  
Cooley  
Costello  
Cremeans  
Cunningham  
DeFazio  
DeLauro  
Dellums

Deutsch  
Dicks  
Dingell  
Doyle  
Edwards  
Ehlers  
Ehrlich  
Engel  
English  
Eshoo  
Evans  
Farr  
Fattah  
Fawell  
Fields (LA)  
Filner  
Flake  
Flanagan  
Foglietta  
Forbes  
Fox  
Frank (MA)  
Frisa  
Furse  
Gejdenson  
Gilchrest  
Gonzalez  
Gutierrez  
Hall (OH)  
Hamilton  
Harman  
Hastert  
Hastings (FL)  
Hayworth  
Heineman

Hinchey  
Hobson  
Hoekstra  
Horn  
Hostettler  
Jackson-Lee  
Jacobs  
Jefferson  
Johnston  
Kanjorski  
Kaptur  
Kelly  
Kennedy (MA)  
Kennelly  
Kildee  
Klecza  
Klink  
Lantos  
LaTourette  
Lazio  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren  
Longley  
Lowey  
Maloney  
Manton  
Manzullo  
Markey  
Mascara  
Matsui  
McCollum  
McDermott

McHale  
McHugh  
McIntosh  
McNulty  
Meehan  
Meek  
Menendez  
Metcalfe  
Mfume  
Mink  
Mollohan  
Nadler  
Neal  
Neumann  
Ney  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Oxley  
Pallone  
Pastor  
Payne (NJ)  
Peterson (FL)  
Petri

Poshard  
Pryce  
Quillen  
Rahall  
Rangel  
Reed  
Regula  
Rivers  
Rohrabacher  
Roth  
Roukema  
Roybal-Allard  
Rush  
Sanders  
Sawyer  
Scarborough  
Schumer  
Seastrand  
Sensenbrenner  
Serrano  
Shadegg  
Shays  
Smith (NJ)  
Smith (WA)  
Solomon  
Souder

Stokes  
Studds  
Stupak  
Tate  
Tauzin  
Taylor (MS)  
Thompson  
Torkildsen  
Torricelli  
Traficant  
Velazquez  
Vento  
Visclosky  
Walsh  
Ward  
Waters  
Watt (NC)  
Waxman  
Weldon (FL)  
Weller  
Williams  
Wise  
Wyden  
Yates  
Young (AK)  
Young (FL)

## NOES—234

Allard  
Archer  
Armey  
Bachus  
Baesler  
Baker (CA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Bass  
Becerra  
Bentsen  
Berman  
Bevill  
Bilirakis  
Bliley  
Boehlert  
Boehner  
Bonilla  
Bono  
Boucher  
Brewster  
Browder  
Brownback  
Bryant (TN)  
Bunning  
Burton  
Buyer  
Calvert  
Castle  
Chabot  
Chambliss  
Chapman  
Chenoweth  
Christensen  
Chrysler  
Clement  
Clinger  
Coble  
Coburn  
Coleman  
Collins (GA)  
Combest  
Condit  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cubin  
Danner  
Davis  
de la Garza  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Dixon  
Doggett  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Durbin  
Emerson  
Ensign  
Everett  
Ewing

Fazio  
Fields (TX)  
Foley  
Fowler  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frost  
Funderburk  
Gallegly  
Ganske  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilman  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Green  
Greenwood  
Gunderson  
Gutknecht  
Hall (TX)  
Hancock  
Hastings (WA)  
Hayes  
Hefley  
Hefner  
Herger  
Hilleary  
Hoke  
Holden  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Johnson (CT)  
Johnson (SD)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kasich  
Kennedy (RI)  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaFalce  
LaHood  
Largent  
Latham  
Laughlin  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Livingston  
Lucas  
Luther  
Martinez  
Martini

McCarthy  
McCrery  
McDade  
McInnis  
McKeon  
Meyers  
Mica  
Miller (CA)  
Miller (FL)  
Mineta  
Minge  
Molinari  
Montgomery  
Moorhead  
Moran  
Morella  
Murtha  
Myers  
Myrick  
Nethercutt  
Norwood  
Orton  
Packard  
Parker  
Paxon  
Payne (VA)  
Pelosi  
Peterson (MN)  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Quinn  
Radanovich  
Richardson  
Riggs  
Roberts  
Roemer  
Rogers  
Ros-Lehtinen  
Rose  
Royce  
Sabo  
Salmon  
Sanford  
Saxton  
Schaefer  
Schiff  
Scott  
Shaw  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (TX)  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tanner  
Taylor (NC)  
Tejeda  
Thomas  
Thornberry



Thornton Waldholtz Wicker  
 Thurman Walker Wilson  
 Tiahrt Wamp Wolf  
 Torres Watts (OK) Woolsey  
 Tucker Weldon (PA) Wynn  
 Upton White Zeliff  
 Vucanovich Whitfield Zimmer

## NOT VOTING—17

Baker (LA) Hansen Reynolds  
 Bateman Hilliard Schroeder  
 Bilbray McKinney Stark  
 Collins (MI) Moakley Towns  
 Ford Nussle Volkmer  
 Gillmor Ramstad

□ 2003

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Bilbray against.  
 Ms. McKinney for, with Mr. Nussle against.

Messrs. GENE GREEN of Texas, KENNEDY of Rhode Island, WELDON of Pennsylvania, BENTSEN, WHITE, BOEHLERT, MARTINEZ, and HEFLEY changed their vote from “aye” to “no.”

Messrs. MANZULLO, PETRI, QUILLLEN, JEFFERSON, GONZALEZ, DEUTSCH, and WARD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. FOGLIETTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the unnumbered amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 295, not voting 17, as follows:

[Roll No. 559]

AYES—122

Andrews Dooley Harman  
 Barrett (WI) Ehlers Hastings (FL)  
 Becerra Engel Hinchey  
 Beilenson English Horn  
 Berman Evans Houghton  
 Bishop Farr Hoyer  
 Blute Fattah Jefferson  
 Bonior Fawell Johnson (SD)  
 Bono Fazio Johnson, E. B.  
 Brown (CA) Fields (LA) Kaptur  
 Brown (FL) Filner Kennedy (MA)  
 Brown (OH) Flake Kennedy (RI)  
 Bryant (TX) Flanagan  
 Cardin Foglietta King  
 Castle Fox LaFalce  
 Clay Frank (MA) Lazio  
 Coleman Furse Leach  
 Collins (IL) Gilman Lewis (GA)  
 Conyers Gonzalez Linder  
 DeFazio Goodling Lowey  
 DeLauro Greenwood Luther  
 Dellums Hall (OH) Markey

Martinez  
 Matsui  
 McHale  
 McNulty  
 Meehan  
 Meek  
 Menendez  
 Mfume  
 Mica  
 Miller (CA)  
 Minge  
 Morella  
 Nadler  
 Neal  
 Ney  
 Obey  
 Olver  
 Owens  
 Pallone

## NOES—295

Abercrombie  
 Ackerman  
 Allard  
 Archer  
 Arney  
 Bachus  
 Baesler  
 Baker (CA)  
 Baldacci  
 Ballenger  
 Barcia  
 Barr  
 Barrett (NE)  
 Bartlett  
 Barton  
 Bass  
 Bentsen  
 Bereuter  
 Bevill  
 Bilirakis  
 Bliley  
 Boehlert  
 Boehner  
 Bonilla  
 Borski  
 Boucher  
 Brewster  
 Browder  
 Brownback  
 Bryant (TN)  
 Bunn  
 Bunning  
 Burr  
 Burton  
 Buyer  
 Callahan  
 Calvert  
 Camp  
 Canady  
 Chabot  
 Chambliss  
 Chapman  
 Chenoweth  
 Christensen  
 Chryslers  
 Clayton  
 Clement  
 Clinger  
 Clyburn  
 Coble  
 Coburn  
 Collins (GA)  
 Combest  
 Condit  
 Cooley  
 Costello  
 Cox  
 Coyne  
 Cramer  
 Crane  
 Crapo  
 Creameans  
 Cubin  
 Cunningham  
 Danner  
 Davis  
 de la Garza  
 Deal  
 DeLay  
 Deutsch  
 Diaz-Balart  
 Dickey  
 Dicks  
 Dingell  
 Dixon  
 Doggett  
 Doolittle  
 Dornan  
 Doyle  
 Dreier  
 Duncan  
 Dunn  
 Durbin  
 Edwards  
 Ehrlich  
 Emerson  
 Ensign  
 Eshoo  
 Everett  
 Ewing  
 Fields (TX)  
 Foley  
 Forbes  
 Fowler  
 Franks (CT)  
 Franks (NJ)  
 Frelinghuysen  
 Frisa  
 Frost  
 Funderburk  
 Gallegly  
 Ganske  
 Gejdenson  
 Gekas  
 Gephardt  
 Geren  
 Gibbons  
 Gilchrest  
 Goodlatte  
 Gordon  
 Goss  
 Graham  
 Green  
 Gunderson  
 Gutierrez  
 Gutknecht  
 Hall (TX)  
 Hamilton  
 Hancock  
 Hastert  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Hefner  
 Heineman  
 Herger  
 Hilleary  
 Hobson  
 Hoekstra  
 Hoke  
 Holden  
 Hostettler  
 Hunter  
 Hutchinson  
 Hyde  
 Inglis  
 Istook  
 Jackson-Lee  
 Jacobs  
 Johnson (CT)  
 Johnson, Sam  
 Johnston  
 Jones  
 Kanjorski  
 Kasich  
 Kelly  
 Kennelly  
 Kim  
 Kingston  
 Kleczka  
 Klink  
 Klug  
 Knollenberg  
 Kolbe  
 LaHood

Thornton  
 Thurman  
 Torkildsen  
 Torricelli  
 Traficant  
 Tucker  
 Velazquez  
 Vento  
 Ward  
 Watt (NC)  
 Waxman  
 Weldon (PA)  
 Williams  
 Wilson  
 Wyden  
 Wynn  
 Yates  
 Thompson

Roukema  
 Royce  
 Salmon  
 Sanford  
 Saxton  
 Scarborough  
 Schaefer  
 Schiff  
 Scott  
 Seastrand  
 Sensenbrenner  
 Shadegg  
 Shaw  
 Shuster  
 Sisisky  
 Skeen  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)

Smith (WA)  
 Solomon  
 Souder  
 Spence  
 Stearns  
 Stenholm  
 Stockman  
 Stump  
 Stupak  
 Talent  
 Tanner  
 Tate  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Tejeda  
 Thomas  
 Thornberry  
 Tiahrt  
 Torres  
 Upton

Baker (LA)  
 Bateman  
 Bilbray  
 Collins (MI)  
 Ford  
 Gillmor

## NOT VOTING—17

Hansen  
 Hilliard  
 McKinney  
 Moakley  
 Nussle  
 Ramstad

□ 2012

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for with Mr. Bilbray against.  
 Ms. McKinney for with Mr. Nussle against.

Messrs. GEJDENSON, JOHNSTON of Florida, CONDIT, ZELIFF, and HEFNER changed their vote from “aye” to “no.”

Ms. ROYBAL-ALLARD and Mr. FARR changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Michigan [Mr. SMITH], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 302, not voting 18, as follows:

[Roll No. 560]

AYES—114

Allard  
 Andrews  
 Archer  
 Arney  
 Bachus  
 Barcia  
 Barrett (WI)  
 Barton  
 Bass  
 Bereuter  
 Boehner  
 Brownback  
 Bryant (TN)  
 Burr  
 Burton  
 Buyer  
 Camp  
 Chabot  
 Chambliss  
 Chenoweth  
 Christensen  
 Coburn  
 Cooley  
 Cox  
 Crapo  
 Creameans  
 Cubin  
 Doolittle  
 Duncan  
 Dunn

Ensign  
Everett  
Fields (TX)  
Funderburk  
Goodlatte  
Gordon  
Goss  
Graham  
Hall (TX)  
Hamilton  
Hancock  
Hastings (WA)  
Hayworth  
Hefley  
Henger  
Hilleary  
Hoekstra  
Holden  
Hostettler  
Inglis  
Istook  
Jacobs  
Johnson (SD)  
Jones  
Kasich  
Klug  
Kolbe  
Largent

Latham  
Leach  
Lincoln  
Longley  
Luther  
McHale  
McInnis  
McIntosh  
McNulty  
Metcalf  
Meyers  
Miller (FL)  
Minge  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Obey  
Parker  
Paxon  
Peterson (MN)  
Petri  
Portman  
Riggs  
Roberts  
Rohrabacher  
Roth

Royce  
Salmon  
Sanford  
Scarborough  
Seastrand  
Sensenbrenner  
Shadegg  
Shays  
Smith (MI)  
Smith (WA)  
Souder  
Stockman  
Stump  
Tate  
Taylor (MS)  
Taylor (NC)  
Thornberry  
Thornton  
Tiahrt  
Upton  
Walker  
Wamp  
Ward  
Watts (OK)  
White  
Whitfield  
Wicker  
Zeliff

Oberstar  
Olver  
Ortiz  
Orton  
Owens  
Oxley  
Packard  
Pallone  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Pickett  
Pombo  
Pomeroy  
Porter  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Rahall  
Rangel  
Reed  
Regula  
Richardson  
Rivers  
Roemer  
Rogers  
Ros-Lehtinen  
Rose

## NOT VOTING—18

Baker (LA)  
Bateman  
Bilbray  
Collins (MI)  
Ford  
Gillmor  
Hansen  
Hilliard  
McKinney  
Moakley  
Nussle  
Ramstad  
Reynolds  
Schroeder  
Solomon  
Stark  
Towns  
Volkmer

□ 2020

The Clerk announced the following pair:

On this vote:

Mr. Nussle for with Ms. McKinney against.

Mr. WATTS of Oklahoma and Mr. TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MS. DANNER

Ms. DANNER. Mr. Chairman, I offer an amendment, amendment No. 21.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DANNER: Page 25, line 25, strike "\$2,000,000,000" and insert "\$1,974,000,000".

Page 26, line 1, before the colon insert "and \$26,000,000 of budget authority shall be available solely for purposes of 49 U.S.C. 5311".

(Ms. DANNER asked and was given permission to revise and extend her remarks.)

The CHAIRMAN. Does the gentleman from Virginia reserve his point of order or insist upon his point of order?

Mr. WOLF. Mr. Chairman, I reserve the point of order and will allow the gentlewoman an opportunity to discuss her amendment.

Ms. DANNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is designed to restore funding for rural transit assistance programs to fiscal

year 1995 levels. This can be done in a deficit-neutral way, which will have a minimal effect on other transit funding.

Under this proposal, Congress would reduce the \$2 billion transit formula grant by \$26 million, which would be added to the section 18 allocation. The remaining funds would then be distributed according to the bill's formula.

Today, there are roughly 1,200 rural transit agencies that would benefit from this amendment. These agencies operate in 316 Congressional districts across our Nation and their service area encompasses 53 million people.

While rural transit programs receive Federal funds, the money is distributed to the States, which are then given the authority to design and manage their own programs. This allows rural transit providers, many of whom are independent contractors, to administer their programs without the large bureaucracies many transit agencies develop.

In my home state of Missouri, there are 30 rural transit providers, who operate in 98 percent of the States' counties. These providers include, among others, the OATS system—formerly known as the Older Adult Transportation System. Last year, in the State of Missouri, OATS provided more than 1 million one-way trips in their vans and busses, transporting 21 thousand people more than 5 million miles. This was achieved with only \$11,140 in section 18 Federal operating assistance.

To me, this is an example of the true role of government—finding cost-efficient ways to improve the standard of living and freedom of our Nation's citizens.

Some of those in Congress may question why rural transit should be singled out. It is important to do so because rural transit is far more dependent on Federal subsidies than other transit programs. Rural transit depends on Federal funding for 24 percent of the operating budget. While many larger transit agencies can absorb the large cuts proposed in this bill, rural transit is in a far more precarious position.

In addition, section 18 programs are given far less Federal Transit Administration assistance. On a per-capita basis, FTA assistance in rural areas is the equivalent of \$1.50 per user, as compared with more than \$35 per user in our largest cities. Yet, for those in rural areas who are unable to drive, public transportation is often their only opportunity to perform vital tasks most of us take for granted, such as grocery shopping or visiting the doctor.

It is also important that we look at who depends upon rural transit.

The people who use rural transit are older Americans, people with disabilities and the rural poor who cannot afford a car of their own. In a rural setting, these people simply have no alternative except to rely on rural transportation programs. Transit systems exist

## NOES—302

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to serve people such as those I have just mentioned. It is unwise and unfair to exclude citizens from transportation services simply because of where they live.

Although this amendment is subject to a point of order, I hope that my colleagues will remember and consider the importance of rural transportation to millions of our citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the amendment offered by the distinguished gentlewoman from Missouri [Ms. DANNER].

This amendment would restore funding to fiscal year 1995 levels and help correct some of the current funding inequities which disadvantage rural transit programs. Without the funding called for in this amendment, many rural transit agencies would be forced to deal with steep reductions in service and face enormous financial obstacles just to survive. Relief is clearly needed to ensure that residents in rural areas are not isolated due to a lack of access to transit.

Rural residents currently receive a disproportionately small share of transit funding, despite the significant need for such assistance. The amendment helps close this substantial gap and ensures that rural residents receive a more fair share of the transit dollars.

Clearly, rural transit agencies are much more dependent on Federal assistance than those in urban areas. Unfortunately, the proposed reductions would have an immediate and detrimental effect on many of these rural transit agencies which often provide vital transit service for many individuals, including the elderly and the disabled.

This Member urges support for this important amendment which would offer some much needed assistance to America's rural residents.

#### POINT OF ORDER

Mr. WOLF. Mr. Chairman, I believe that the amendment offered by the gentlewoman from Missouri is subject to a point of order as it violates clause 2, rule XXI of the House.

The effect of the Danner amendment would be to set aside \$26 million for transit assistance in contradiction to ISTEA. The authorizing legislation stipulates certain amounts derived by percentage of the total amount provided for transit formula grants are to be made available for urbanized areas, elderly, and the handicapped and rural transit assistance. Under ISTEA, 5.5 percent of the funds made available for transit formula grants are for rural transit assistance. The effect of the Danner amendment would be to provide \$26 million solely for rural transit systems right off the top before any set-asides were derived.

This amendment would thereby negate the discretion afforded the Secretary of the Department of Transportation under the authorizing legislation.

Mr. Chairman, the Danner amendment amends, goes beyond, perfecting legislative provisos permitted to remain and constitutes legislating on an appropriations bill, and for this reason we raise the point of order.

The CHAIRMAN. The gentleman raises the point of order.

Does the gentlewoman from Missouri wish to be heard on the point of order?

Ms. DANNER. No. I will accede to the ruling of the Chair, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman wish to have a ruling of the Chair?

Ms. DANNER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

The amendment fences \$26 million within an aggregate limit of \$2 billion in budget authority to be available solely for a specified object. Because no authorization in law supports such a mandatory earmarking and because the funds affected are distributed under formula in law contrary to that earmarking, the point of order is sustained.

Are there further amendments to title I?

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA: On line 14 of page 14 of the bill, strike "\$143,000,000" and insert in lieu thereof "\$147,000,000";

On line 19 of page 13 of the bill, strike "\$2,000,000,000" and insert in lieu thereof "\$1,990,000,000"; and

On line 20 of page 13 of the bill, strike "\$1,784,000,000" and insert in lieu thereof "\$1,774,000,000".

The CHAIRMAN. The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA] for 7½ minutes in support of her amendment.

Mrs. MORELLA. Mr. Chairman, I yield myself such time as I may consume.

My amendment would increase funding for environment and energy research at the FAA by \$4 million, and it would reduce the Federal Aviation Administration funding for the terminal Doppler weather radar by \$10 million to offset the increase.

Now, the reason the figures are different—\$4 million versus \$10 million—they are different in order to make the amendment outlay neutral. My amendment would restore funds for vitally needed area research at the FAA, one which the reported bill cuts by 80 percent.

As chairwoman of the authorization subcommittee over this research, I would hope that a higher level of funding could be accommodated, so my offset would reduce funds for a system that was not requested by the FAA.

□ 2030

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I agree with the gentlewoman that the FAA's environmental and energy-related research has been hit hard in this bill. We had to make some very difficult choices, and this was one of them. The gentlewoman from Maryland has dis-

cussed her amendment with me. I would hope that if she would consider withdrawing her amendment, I will commit to her that I will attempt to find \$1 to \$1.5 million in additional funding for these research activities in conference with the Senate later this year.

I am concerned that a proposed offset to terminal doppler weather radar, which is the big issue that we discussed on the Foglietta amendment, would undermine safety since it is a safety-related system and no one in the body wants to undermine safety.

Therefore, I pledge to the gentlewoman that I will work with her to increase funding for this research in the conference.

Mrs. MORELLA. Mr. Chairman, the words of the chairman of the subcommittee have always been very truthful and so I thank him for his pledge and the comments of the gentleman from Virginia.

With those assurances, I will withdraw my amendment. Before I do, I want to also thank others who have supported this amendment, the gentleman from Virginia [Mr. MORAN], the gentleman from New York [Mr. SCHUMER], and the gentleman from New York [Mr. MANTON].

Mr. MORAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, the amendment is a very good one. As the chairman of the Appropriations Subcommittee knows, and I think it is supported by the ranking member of the subcommittee as well, it is fiscal constraints that is the only reason why it cannot be through, but I know that when the gentleman from Virginia [Mr. WOLF] says he is going to do something, he comes through. We are confident that he will in this case as well.

Again, we encourage him to find money in the conference for this activity. I very much applaud and appreciate the fact that my good friend from Maryland has raised the amendment.

Mr. COLEMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, let me just say to the gentlewoman, I agree with the chairman that we should attempt to find the funds for this kind of activity. As a matter of fact, I think the gentlewoman's amendment, as originally crafted, you got it from exactly the right place so the chairman himself took \$60 million out of that F&E account of unobligated dollars. It was not incorrect for you to do it. I am sure that the chairman's commitment perhaps to find the \$4 million somewhere else would be well spent or from that very same account. I would agree with the chairman, if he were to do that.

I thank the gentlewoman for her well-thought-out amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman, the ranking

member, for his comments on that. The authorization was like \$8.5 million and only \$1 million was funded. I will rely on the pledge made by the distinguished chairman of the committee. I thank him very much for that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the reason I asked to do that, Mr. Chairman, is that I want to engage the chairman of the subcommittee, the gentleman from Virginia, in a colloquy.

Mr. Chairman, the Montgomery County Airpark is Maryland's fourth busiest airport. The airpark is a reliever airport with 108,000 annual landings and takeoffs. It is also a center for medical and humanitarian services.

I think the gentleman is probably aware of that.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I am. And I am aware of the many commuter flights. Quite frankly, I know that it takes a lot of flights in there, that if it was not in operation, they would all go into National and create many, many noise problems. I am aware of the use of the Montgomery airport.

Mrs. MORELLA. Mr. Chairman, the runway at the airpark is deteriorating. In fact, the airport has been ordered to reconstruct rather than resurface the runway. It only has one runway. The soil underneath the runway is eroding and deep large holes dot the landing strip, creating a safety risk.

The airpark is self-supporting, does not depend on taxpayers dollars for its daily operations.

However, like small airports across the country that cannot raise funds from user fees, the Montgomery Airpark must rely on the Federal Aviation Administration's airport improvement project to fund major construction projects.

Unfortunately, for 3 consecutive years, the much-needed funding, a very small amount, for the runway has been denied by the FAA because for the past 2 program years, the legislative level of AIP funding has been reduced considerably, at least that is what was sent to me in a letter.

The FAA says that all AIP funds for fiscal year 1995 have been assigned.

Mr. WOLF. Mr. Chairman, if the gentlewoman will continue to yield, in the transportation appropriations bill for fiscal year 1996, funding for the AIP has been increased by 10 percent, from 1.4 to 1.6 billion. The question is, how much does the airpark need to restructure the runway?

Mrs. MORELLA. I thank the gentleman for clarifying that statement. The runway reconstruction will cost

\$1.6 million and the project is ready to proceed immediately. The gentleman said \$1.6 billion has been appropriated. This airport would require \$1.6 million. It is my understanding that the runway project could still be funded, as a matter of fact, out of fiscal year 1995 AIP funds.

Mr. WOLF. Mr. Chairman, I agree that this is a necessary and worthwhile project. I will encourage the FAA to consider funding it. We can have a meeting next week. Quite frankly, if they cannot take it out of this year, which I think they may actually be able to find the money from this year, certainly I see no reason why they could not take it out of next year. I would be glad to meet with them and with the gentlewoman.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman. I urge my colleagues to support the Transportation Appropriations Act.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER: Page 17, line 8, strike "\$18,000,000,000" and insert "\$17,990,000,000".

Page 23, line 14, strike the colon and all that follows through "1996" on line 15.

Page 23, after line 15, insert the following: In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of new loan guarantee commitments under section 511 of such Act, \$10,000,000.

The CHAIRMAN. The gentleman from California [Mr. FILNER] is recognized for 7½ minutes.

Mr. FILNER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I intend to ask unanimous consent for withdrawing my amendment but I want to engage the chairman of the Committee on Appropriations Subcommittee on Transportation in a brief colloquy about a critical component of our Nation's infrastructure—our regional and short line railroads.

I am joined in this effort to highlight the importance of the section 511 Loan Guarantee Program by colleagues in various regions of our Nation.

We believe that the section 511 Railroad Loan Guarantee Program is a wise investment in our infrastructure. This loan guarantee program is authorized under section 511 of the Railroad Revitalization Act of 1976.

Historically, our investment in road and highways, airports, seaports, and railroads has been responsible for creating the most advanced and efficient economy in the history of the world. The 511 program can help an important segment of our transportation system that has been largely left out of infrastructure investment programs.

A very modest investment of about 5 percent of a total loan amount is all

that is required of the Government to guarantee these loans. An appropriation of \$10 million will, therefore, generate a \$200 million investment in our railroads.

The program also contains no earmarks. Small rail lines throughout America—lines such as the San Diego and Arizona Eastern Railroad—will be able to apply for these loans to rebuild important infrastructure.

These section 511 loan guarantees represent the type of public/private partnership this Congress should encourage.

For a small investment, we can rehabilitate important rail lines, ease congestion, and provide jobs. Best of all, these are not grants—they are loans which will be repaid. The repayment history on this program is excellent.

Mr. Chairman, I would hope that the gentleman from Virginia would join me in a colloquy.

Mr. Chairman, as you may know, many of our regional and short line railroad lines—which are still a vital element of our commercial infrastructure—often find it difficult to obtain private financing for rail line improvements. These private loans are either short-term or their interest rates are too high to make this type of investment prohibitive. I believe that the Section 511 program—because it is a loan program that must be repaid, and because it is leveraged at 20-to-1—is precisely the type of infrastructure investment program that this Congress should promote.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I concur that these loan guarantees have proven to be reliable and can be a cost-effective and wise use of Federal transportation dollars.

Mr. FILNER. Mr. Chairman, I would hope that the gentleman would favorably consider appropriating funds for this program, if the Senate includes funding for Section 511 railroad loan guarantees in their bill.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from California and our other colleagues for bringing this important transportation investment program to the attention of the House.

As the gentleman knows, the proposal to revitalize the loan guarantee program was not ready in time to be included in the committee markup. However, I can assure the gentleman that I am sensitive to the needs of our regional and short line rail lines. I will certainly consider funding the 511 loan guarantee program, if it is brought before a House-Senate conference.

Mr. FILNER. Mr. Chairman, I thank the gentleman for those comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I thank the gentleman for the opportunity to

speak about a program vitally important to the railroads in the Second District of Oregon—the Section 511 Railroad Loan Guarantee Program.

Railroad operators have difficulty securing private sector loans for construction because half of the construction costs go to labor, and the resulting railroad is not attractive collateral for banking interests.

However, I represent an area dependent on agriculture and natural resources and we rely on efficient transportation of our goods. For many businesses, this means shipping along the Siskiyou Summit rail line running north to south in southern Oregon.

The Section 511 Loan Guarantee Program would allow this railroad to construct much-needed repair to its track and tunnels.

In an age of fiscal responsibility, it is important to note that these loans will be paid back to the Federal Government. In fact, the Congressional Budget Office has reported that \$10 million for the section 511 program will result in \$200 million in available loans for needy railroads.

I urge the chairman to fight for this worthy program when this bill goes to the conference committee.

Mr. FILNER. Mr. Chairman, I yield 2 minutes the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I also support the gentleman's efforts to continue funding for the Section 511 Loan Guarantee Program. Currently, the Toledo, Peoria and Western Railroad provides much needed rail freight transportation service from Fort Madison, IA, across central Illinois and into Indiana. In Peoria and central Illinois it provides our shippers with important connections to Illinois Central, Burlington Northern/Santa Fe, CSX, Union Pacific, Conrail, and several regional rail carriers. Unfortunately the TP&W is in financial distress. It is my understanding that a successful New York operator of small railroads is attempting to purchase the TP&W. The railroad needs modern locomotive power and track rehabilitation. The buyer is having difficulty convincing private financial institutions to back the total project. It would be a tragedy for this railroad's distress caused a domino effect on its customers and other regional rail carriers in the area. A loan guarantee under the proposal being put forward by Congressman FILNER and Chairwoman MOLINARI, of \$11 million would allow an acquisition and rehabilitation of the TP&W.

Mr. FILNER. Mr. Chairman, I thank the gentlemen for their participation. I look forward to working with them to make this happen.

I would like to just point out to the Chair that for the \$10 million appropriations that would leverage \$200 million worth of loan guarantees, we can open a \$7 million rail line, with \$7 million we can open a rail line from Campo to El Centro in California. As Mr. LAHOOD stated, for \$11 million we

can guarantee to preserve and improve rural freight service on the Toledo, Peoria and Western. We can, for \$3 million, guarantee a project for rehabilitation of a bridge over the Ohio River. For \$13 million, we can make capital improvements and debt restructuring for projects in Maine and New Hampshire; \$10 million will guarantee a project to improve service in the Upper Peninsula of Michigan; \$30 million beyond will make sure that the State of Missouri gets short line railroad improvements. We heard about what \$5 million can do for the Siskiyou Summit rail line in Oregon, and finally \$10 million would guarantee track rehabilitation in western South Dakota.

Mr. Chairman, I think these are worthwhile projects. I know the chairman will be looking at possible funding of this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 27, line 9, strike "\$1,665,000,000" and insert "\$1,572,100,000".

Page 27, line 16, strike "\$666,000,000" and insert "\$573,100,000".

Page 27, strike lines 22 through 25.

Page 28, strike lines 3 through 6.

Page 28, strike lines 15 and 16.

Page 28, strike lines 21 through 24.

Page 29, strike lines 3 and 4.

Page 29, strike lines 7 and 8.

Page 29, strike lines 13 and 14.

Page 29, strike lines 21 through 24.

Page 30, strike lines 1 through 6.

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD?

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 2045

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 7½ minutes on behalf of his amendment, and the gentleman from Virginia [Mr. WOLF] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, we could call this a revised Smith-Chabot amendment. It is an amendment that negates every person that got up an spoke against the first amendment, because this places a 1-year moratorium on funding for only those fixed guideway mass transit projects, the subways and the el's, that do not have a full funding

grant agreement, an FFGA, or have not reached a final design phase. It saves \$2.9 million.

The Department of Transportation says that mass transit costs for existing systems range from \$4,800 to \$17,000 per rider. Our goal is to conserve energy. Our goal is to help people move into where they want to move. The fact is that these fixed guideways, these fixed rail systems, are not used by the poor people, they are not used by the elderly, because they have chosen, according to the Congressional Research Service, to use automobiles because it places them at a disadvantage in the beginning point, the fixed beginning point, and the fixed ending point.

According to DOT, a new mass transit is not cost-justified unless it costs less than \$6 per rider per trip. The average cost per rider per trip for the 15 projects that this amendment would put on hold is \$10.50. The fares are expected to make up no more than \$2 of the cost. That means some taxpayer someplace, either paying taxes to the Federal Government or paying taxes to local government, is going to have to make up the difference between the \$10.50 and the \$2.

The President requested in this budget funding for just 12 new starts, yet the Committee on Appropriations proposes funding for 30 new starts. The revised amendment would allow further study of these projects before committing Federal funding. Mr. Chairman, I would like to commend the members of this subcommittee of the Committee on Appropriations because they have done wonderful things with this proposal that they have brought to the floor. There are no longer the pork barrel projects for demonstration projects. I am delighted, the American taxpayers are delighted.

I am simply offering amendments that hopefully will fine tune this bill and save taxpayers even more money, or instead, maybe put this money to improve some of the highway systems, some of the local bridge needs, in the United States, as opposed to starting new mass transit subway systems that are going to be so inefficient and cost so many American dollars, not only to build but to subsidize in the future.

Mr. DEFAZIO. Mr. Chairman, the Central Oregon and Pacific operates in my Oregon congressional district. The railroad also has informed me that it would seek a \$10 million loan guarantee to rehabilitate the Coos Bay Railroad Bridge, if this program were continued. The Coos Bay Railroad Bridge is the line between Coos Bay and Eugene—including all points east, north, and south—and at present, the railroad hauls over 10,000 cars per year over the bridge. During the Southern Pacific's ownership of the bridge, it threatened to abandon service over this line due to the condition of the bridge. The Central Oregon and Pacific would like to continue service to and from Coos Bay, but to do so, the Coos Bay Bridge needs major rehabilitation. The railroad has pledged \$600,000 to the project, if Federal loans money is available, and the State of Oregon plans to assist in the funding.

If the railroad bridge were to fail, all of the traffic to and from Coos Bay would be diverted to the highway. This would put the existing highway bridge under enormous pressure. A lone guarantee to a private company is preferable to tens of millions of dollars in highway grants funds to rebuild highway infrastructure.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment, but let me just say I do appreciate the gentleman from Michigan [Mr. SMITH] mentioning something that has not been mentioned. The fact is, I am going to just take a second, this bill has no highway demo projects. Had the gentleman not mentioned it, I was not going to say it, and it maybe would not even have been mentioned. It used to be, and it is the old thing in politics, "What have you done for me lately"; we took them out, and nobody mentioned it, and I thank the gentleman for mentioning it.

Mr. Chairman, it is like what goes on in the Committee on Appropriations almost is irrelevant and does not count, and then we start when we come out with these bills. It used to be that we did not get a highway demo project unless someone was a certain powerful Member, or they did not get a project unless they served in a certain committee, or if they happened to be powerful and served in a certain committee and voted wrong, they did not get it.

So I appreciate the gentleman mentioning that, Mr. Chairman, because this has been a fairly significant reform. We have to not only look at what we are doing on the floor, but what we did in the committee.

Mr. Chairman, with regard to the gentleman's amendment, and I understand what he is doing, I rise in opposition. The amendment really, and this will be a revote, really seeks to reduce funds for transit new start projects by \$93 million, eliminating 15 projects.

The gentleman from Michigan suggested that these projects are new projects early in the planning and design phases of development. Mr. Chairman, all the projects proposed for deletion have received appropriations in the past. In addition, funds of each of the projects in the amendment are made subject to authorization. The authorizing committee will review these projects, just as the Committee on Appropriations has done, but in the context of the national highway systems bill.

Mr. Chairman, I urge my colleagues to vote no on the Smith amendment, which deletes the following projects: Canton-Akron, Cincinnati-Northern Kentucky, DART, the Dallas North Rail, which is really an 80 percent local match, the Dallas Railtran, Los Angeles, San Diego, Memphis, New Orleans, Orange County, Sacramento, San Francisco BART, San Juan Treno Bano, Tampa-Whitehall, Wisconsin Central. We have already had a vote on a similar amendment, but it was defeated.

Mr. Chairman, I would urge a "no" vote on this. I want to thank the gen-

tleman again for what he is trying to do, and also for mentioning the fact there are no highway demos in this bill. As long as blood pumps through my heart, I will do everything to make sure that when the bill comes back from conference, that there are no highway demos in, so that the Senators do not put it in, because I think we have done a good thing by removing them.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me only say again, as I understand it, the gentleman understands that this amendment would eliminate \$93 million in funding for again, transit projects, what we just voted on a little bit ago, so I also rise in opposition to the amendment. I think it is important for everyone to understand that this amendment would negatively impact 15 mass transit projects in varying stages of development across the country.

Mr. Chairman, let me just give the Members the States in which this amendment would have an adverse effect: Ohio, Texas, Florida, Tennessee, Louisiana, New York, California, Illinois, and Wisconsin. Some of the projects, by the way, are authorized, so it is interesting also that we are now just going willy nilly about those that are authorized or not.

Let me only say in response to the comment by the gentleman from Virginia [Mr. WOLF], the comment about the highway demo projects, I pointed out a couple hours ago, Mr. Chairman, that he had indeed not included any highway demo projects in the appropriations bill, but I think it would be wrong for anyone to lead anybody astray on the issue of highway demonstration projects.

This appropriations bill, as we know, leaves intact so far, because of the amendments that have been adopted or defeated, leaves intact 539 highway demonstration projects, so I would say to the chairman, it is still true, I guess, that those highway demonstration projects belong to who the people are. The gentleman chastised the previous Congress for suggesting or saying somewhere in the process that depending on if Members were on the right committee or who they were, Members were able to get a highway demo project. How did these 539 highway demo projects get in the authorization bill? Do Members have to be a member of the Committee on Transportation and infrastructure? Do Members have to be somebody special or important to that committee?

Mr. Chairman, I think what we need to do is not criticize the past as much as some do, and maybe not hold up on pedestals the present as much as we sometimes do, because I am not at all proud of the fact that this House, in defeating the Foglietta amendment, re-

fused, refused to say that 539 highway demo projects are bad. I think, by the way, a lot of people in the United States would disagree with that vote.

I understand the reasoning and the rationale for it, and there are Members that are very fearful that they will not be able to get projects in their congressional districts had they voted the other way on that particular amendment; but I would only suggest that once again, in closing, on this amendment, that we truthfully are doing just what we did before, they just reduced the number of projects that he seeks to delete. As a famous former President used to say, "There you go again."

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I thank my colleague, the gentleman from Virginia, for yielding me this time.

Mr. Chairman, I rise in opposition to this second amendment offered by the gentleman from Michigan [Mr. SMITH] and urge our colleagues to join both the authorizing committee and the Committee on Appropriations in opposing this amendment.

The first amendment offered by the gentleman from Michigan [Mr. SMITH] lost by a margin of 3 to 1, so I urge my colleagues to reject this essentially identical amendment by an equally wide margin. In some heavily congested corridors, such as those listed in this bill, the appropriate new transportation investment is a new start transit investment. We should not favor one new start project over another, as this amendment would do, but treat all projects equitably.

Mr. Chairman, our colleagues know that the authorizing and appropriations committees have not always agreed on every issue on this floor. Today we stand united in opposing this second Smith amendment, just as we opposed the first amendment. Therefore, Mr. Chairman, we have already had this vote, and I urge our colleagues once again to reject this "us against them" philosophy embodied in the Smith amendment and vote against it.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, all I can say, these are very, very important. One of the projects will save several lives, and if we strike it, lives will be lost.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, inasmuch as our last amendment lost at a three to one rate, I will not call for a record rollcall on this, and hope that the committee, both the authorizing and the Committee on Appropriations, will consider it.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 24, strike lines 1 through 19.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 7½ minutes in support of his amendment, and the gentleman from Virginia [Mr. WOLF] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise to offer an amendment to eliminate funding for the high speed rail project. While the amount in this budget is \$15 million, this is a foot in the door for projects which, according to a GAO report, could cost as much as \$12 billion. Three copies of the executive summary are available at the desk for your review. The taxpayers would end up providing operating subsidies in the future in order to keep the projects solvent. Of the \$15 million in this bill, \$3 million goes to Michigan for developing a radio system for train traffic control in the Detroit-Chicago corridor. This corridor goes right through the heart of my district. I think it is important that with a debt approaching \$5 trillion that we be willing to cut nonessential programs in our own districts. While it would be nice to have this technology, the freight operators are working on a similar technology on their own in the Pacific Northwest. In fact, another \$1 million in this bill is to have the State of Washington ensure that the system being developed by the private sector is compatible with what the Government-subsidized experiment is doing.

Another \$5 million in this bill goes to develop, in the Chicago-St. Louis corridor, a more advanced system of locating trains by global positioning and feeding that information to a central system. Again, the freight operators are already experimenting in this area on their own.

The budget committee recommended elimination of this project. The Heritage Foundation made elimination of this project one of its priorities in its rolling back Government analysis. Citizens for a Sound Economy supports its elimination. The reasoning behind these calls for elimination is threefold:

First, these projects will be exceedingly expensive. To upgrade the infrastructure along the Detroit-Chicago corridor just to get to a 3-hour travel time between Chicago and Detroit will cost more than \$700 million. Upgrading trains and track to achieve the lowest of the high speed range will cost, for a typical 200-mile corridor, more than \$11 million per mile.

Second, freight traffic in these corridors will be disrupted. To quote the GAO report mentioned earlier, "freight railroads believe that these improvements will generally provide few benefits for their freight operations." Freight companies do not want to be liable for collisions between 100 plus miles per hour passenger trains and slower moving freight trains. The GAO report states that freight companies want total indemnification from liability for passenger train accidents. In my district, Conrail has said that, if a high-speed rail corridor were built on the lines it runs between Detroit and Kalamazoo, it would sell that line, move traffic out of the corridor, and reserve a freight easement for some of the less-traveled time on the line. This would reduce the availability of freight service for some of Michigan's largest companies. The problems of 125 miles per hour passenger trains traveling with 60 miles per hour freight trains are evident. The fact that the freight operators will go so far as to turn over their lines in order to avoid the liability problems says that they feel the problems are not surmountable.

Third, the private sector has shown that these systems would not be able to compete with existing air, bus, and auto travel. Several GAO reports note that the private sector is unwilling to invest in any system without huge Government subsidy. What this means is that the resources that would be consumed in producing such a system are valued more in the production of other goods and services than they are in the production of a high-speed rail system. We need to look at the opportunity cost of these systems; \$12 billion would provide a lot of services which are clearly more highly valued than a high-speed train, as witnessed by the fact that no one will put their own money into high-speed rail unless the Government guarantees the return.

Fourth, these systems are clearly regional, they are not a role for the Federal Government. There is no reason that taxpayers in Montgomery, AL should pay for someone in Michigan to ride a 125 miles per hour train instead of flying in an airplane or driving their car to get to their destination. In a time when we have a \$5 trillion Federal deficit, and unfunded liabilities in Social Security and Medicare of additional trillions, there is no good reason for the Federal Government to be involved in taxing the vast majority of Americans so that a few can travel by train instead of plane or car.

□ 2100

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 7½ minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment which would

strike all funding for high-speed rail. Again, try to go back and think what did these men and women do in the committee?

Well, the request was for \$35 million. We knocked it down to \$15 million, so we are not just starting with this as the beginning figure.

Second, the committee scrubbed the Federal Railroad Administration's high-speed rail budget. The recommended funding for this program is 133 percent below the administration's request, 40 percent less than the 1995 enactment level.

The program is designed to significantly improve, and I use the big S word, safety, if high-speed rail becomes a reality in the United States. Deleting all remaining funding for this program would be detrimental to a number of safety programs, such as removing highway rail grade crossing hazards, that the committee continued for funding albeit at a lower level.

Programs funded in fiscal 1995 have just begun. However, the full benefits of these programs such as train control demonstrations in Michigan—is anybody from Michigan other than Mr. SMITH opposed to it? I do not think so—and Illinois relies on fiscal year 1996 funding.

Not providing further appropriations will effectively end these programs before there are any achievable benefits. This will basically throw away funding both States and the Federal Government have contributed, as well as the private investors.

Other States such as Florida, California, Oregon, Washington, and New York have also invested in high-speed rail. This amendment fails to consider these investments. High-speed rail service could alleviate the need for additional highway and airport safety which are increasing in difficulty and expensive to build. We have not built a new airport for a long while, and the one we built in Denver I think has been a big mistake, and one frankly the Congress probably should have reversed.

This program will make use of existing rail lines and does not require the expense of major new construction. Abolishing the program will add to the public cost of transportation as well as potentially increase traffic casualties.

There was a "Dear Colleague" letter that went around with regard to this. Just to answer that, first, funding of the high-speed rail program for corridor development will not be used to lay new track. The three corridor programs under way, which will run between Detroit and Chicago, Chicago and St. Louis, and Portland and Seattle, will operate over existing rail lines and rights-of-ways. No money will be used to lay new track.

Secondly, these corridors do not plan on operating at 150 miles per hour or higher. The trains will run at 110 and 125 miles per hour, which is significantly higher than the average 79 miles per hour that they currently operate.



As such, the Government will not need to buy new land or lay new track to run at 150 miles per hour.

Third, the private sector is already investing in these programs. For example, on the Portland to Seattle corridor, Burlington Northern and Union Pacific are solely financing the upgrading of safety and signaling technology along the corridor. This program will cost \$20 million, and the Federal Government's role to evaluate and test will be \$3 million.

Fourth, State governments are participating in the development of these high-speed rail corridors. I would say that rail is important. The program has been cut dramatically from \$35 million down to \$15 million. I urge the Members to consider these points and vote against the amendment of the gentleman from Michigan [Mr. SMITH] to zero out high-speed rail programs.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 15 seconds for a response.

Mr. Chairman, I would just like to say that the cost to finalize this project in the Detroit to Chicago would be \$700 million. Department of Transportation says no. The Federal Government will not pay for it. The taxpayers of the particular States that it does through are going to have to end up paying for it out of tax money or out of ISTEA money.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member of the committee.

Mr. COLEMAN. Mr. Chairman, I rise in opposition to the amendment.

Let me just say that what it does, this amendment, is cut out all funding for any kind of research in the high-speed rail research and development program.

Let me say why that is really a bad idea. First of all, the GAO report was cited. I know exactly what the gentleman said. The problem with what the gentleman said was he did not read all of the report. I wanted to be sure we put into the record the rest of what the General Accounting Office said. I will quote from them.

The GAO recommends that the Secretary of Transportation, in addition to following through on research on low-cost grade crossing systems and on a high-speed non-electric locomotive, one, focus available Federal funds on a limited number of projects to ensure that combined Federal, State, and private funding is sufficient to move these projects to completion and, two, ensure that FRA, the Federal Railroad Administration, has the expertise to evaluate corridor development proposals to select those that could provide the most benefits.

What we are saying is, and I recognize all Americans say, "We can't afford it." America can no longer afford research and development. We cannot get on the cutting edge of any tech-

nologies. We cannot afford it. We are too poor as a country.

Well, that is just not so. A lot of us understand that by the proper utilization of our national resources, that we can indeed as a country continue to make progress, continue to move forward, continue to say something about new technologies. We are not going to have anything to say about that technology if we let only foreign countries get into the arena. Maybe that is what we say we have to do now, that America can't cut it anymore.

My side of the aisle does not believe that. My side of the aisle believes that we can do it, that we have got the men and women in the work force in the United States of America to do the job. That this country is not being punched around and kicked back on her heels simply because some people say we cannot afford research and development. We know we can.

I suggest a "no" vote on this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was part of the budget resolution that this body passed just a few weeks ago. The Heritage Foundation made elimination of this project one of its priorities in its rolling back government analysis. Citizens for a Sound Economy support this amendment. The National Taxpayers Union is scoring this amendment. The problem is if we push through this body funding for high-speed rail and jeopardize the freight systems that are now operating in these areas, then I think we are giving a great disadvantage to our constituents in the long run.

These projects will be exceedingly expensive. To upgrade the infrastructure along the Detroit-Chicago corridor, for example, is going to cost over \$11 million per mile. That money is not going to come from the Federal Government according to the Department of Transportation. It is going to come from taxpayers, by the citizens, or it is going to come from funding out of their ISTEA money that they are allocated.

Conrail, when I talked to them this afternoon, says that if high-speed rail goes in on the track they own, they want to sell that track and they will start transporting their freight from the Detroit area through Toledo to their main east-west corridor.

Freight traffic in these corridors will be disrupted. To quote the GAO report mentioned earlier, "Freight railroads believe that these improvements will generally provide few benefits for their freight operations, and freight companies do not want the liability for the collisions, even if it is only 120 or 125 miles an hour compared to their average 62 miles an hour."

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to this amend-

ment. This is the amendment which would eliminate expenditures which are important to the future transportation needs of the country. It would essentially cripple, or hurt, an attempt to run a high-speed rail system from Detroit to Chicago to Milwaukee to St. Louis.

It is a program which affords great advantages to this country. It is a program which is supported by our Governor, a friend of my dear friend the gentleman from Michigan [Mr. SMITH]. It is a program which is geared at enabling this country to finally begin to move towards getting a good high-speed rail system for this country. It is not one which is going to add to the bureaucracy or the number of government employees. It is one that is going to be run by the people using this as seed money only.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 30 seconds.

Mr. SMITH of Michigan. Mr. Chairman, in summary, we have got to start someplace. Three hundred million dollars is not going to cripple the system. The system is going to end up costing \$700 million. The Federal Government is not going to pay for it.

I would just ask everybody in mass transportation, with the recommendation of the Committee on the Budget, that we phase out subsidies for all mass transportation, that we eliminate funding for high-speed rail. Localities and States better think very carefully before they start digging themselves a hole to obligate their future and their taxpayers' future.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WALSH], a member of the committee.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF], the chairman, and the gentleman from Texas [Mr. COLEMAN], the ranking member, for their strong leadership in this area.

Mr. Chairman, this vote is critically important to New York State and the northeast corridor. I strongly urge a "no" vote on this amendment.

We have overcrowded airports in New York and in the northeast corridor. This is the best way to get people moved around. This has already been reduced from \$35 million to \$15 million. There is demonstrated support for high-speed rail in New York and in the rest of the northeast corridor. This is Governor Pataki's top appropriations legislative priority at the Federal level. I urge a strong vote in opposition to this amendment and a strong vote in support of high-speed rail.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment by my fellow colleague

from Michigan [Mr. SMITH]. I have been interested in high speed rail for many years because I believe wise investments in technology and transportation infrastructure pay off in economic development, job creation, and higher productivity.

I recognize the motive of the Smith amendment. In an era with record Federal deficits, we need to be fiscally prudent. However, by building on what we have, high speed rail is within reach. We need to encourage incremental improvements that will increase train speed: things like improving grade crossings, signal systems, tracks, and cost-efficient equipment and locomotion. We should target limited federal resources to a few deserving projects.

Improvements related to the high speed rail concept are already being implemented. Earlier this year in fact, the U.S. Department of Transportation awarded a \$6 million grant to the Michigan Department of Transportation [MDOT] for further safety and grade crossing improvements on a 71 mile stretch of rail in Michigan. These improvements will allow for an increase in speed along the route and will reduce the amount of travel time. I strongly supported the State's application and have had many discussions with the Director of MDOT about this issue since Michigan has been a leader in this area.

High speed rail means more and better options for the travelling public, both business and pleasure, in the areas surrounding the station. High speed rail also provides a more balanced transportation network that reflects growing environmental and energy concerns.

Being from Michigan and thereby impacted by the Detroit and Chicago rail corridor, linking the third and fifth largest metropolitan areas, I have examined many reports regarding the feasibility and cost of high speed rail.

Many independent studies have shown that the Detroit-Chicago rail corridor is an excellent candidate for high speed rail. Significant economic and employment opportunities are expected to sprout along the route. Just last month, a group in Chicago—Environmental Law and Policy Center—released a study concluding that high speed rail is financially feasible and will create jobs throughout the Midwest.

As this country proceeds with high speed rail development, we need to move cautiously. We need to know what we are buying, who is paying for it, and what the benefits are. We also need to examine potential downsides and legitimate concerns about high speed, particularly safety and take the steps necessary to address those concerns.

Most people agree that it is more prudent to move in small, incremental steps as we develop the high speed rail system. I believe the committee's recommendation of \$15 million is a very prudent and appropriate level which will keep the effort moving forward to the benefit of our nation's infrastructure and the travelling public.

Therefore, I urge my colleagues to vote "no" on the Smith amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to the gentleman's amendment which strikes \$15 million from the High-Speed Rail Program.

Mr. Chairman, this practical program will reduce the cost and improve the safety and performance of high speed rail projects in the United States. It is specifically targeted at

safe, economical, and environmentally-friendly all weather service by the year 2000 in selected corridors, in all areas of the Nation. Such service alleviates the need for additional highway and airport capacity which all Members know is increasingly difficult to obtain and very expensive.

Specifically, this program is targeted at supporting future and relatively modest upgrades for existing rail lines. These upgrades have been proposed by a number of States with congested intercity transportation corridors. In fact, there is a project now underway in Michigan, that is partially funded by the \$15 million, which will use new technology to provide high speed train control and significantly enhanced grade crossing safety at about half the cost of conventional methods beginning as early as 1996.

Mr. Chairman, the Federal role proposed here is to simply provide a technology base. It is unreasonable and uneconomical to expect 15 or 20 States to each undertake technology development programs. Moreover, efforts are well coordinated with freight railroads to assure both practicality and ultimate ability to implement. Finally, an incremental approach minimizes risk to taxpayers and maximizes value.

Mr. Chairman, I oppose this amendment. In terms of technology advancement, it is a step backward and I urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. SMITH] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title I?

□ 2115

If not, the Clerk will designate title II.

The text of title II is as follows:

#### TITLE II

##### RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$3,656,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

#### NATIONAL TRANSPORTATION SAFETY BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at

rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$38,774,000, of which not to exceed \$1,000 may be used for official reception and representation expenses.

#### EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$160,802 to remain available until expended.

#### INTERSTATE COMMERCE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), \$13,379,000, of which \$4,984,000 shall be for severance and closing costs: *Provided*, That of the fees collected in fiscal year 1996 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701, one-twelfth of \$8,300,000 of those fees collected shall be made available for each month the Commission remains in existence during fiscal year 1996.

#### PAYMENTS FOR DIRECTED RAIL SERVICE

##### (LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed \$475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

#### PANAMA CANAL COMMISSION

##### PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed \$11,000 for official reception and representation expenses of the Board; not to exceed \$5,000 for official reception and representation expenses of the Secretary; and not to exceed \$30,000 for official reception and representation expenses of the Administrator, \$50,741,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed \$19,500 per vehicle.

Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

#### TITLE III

##### GENERAL PROVISIONS

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by

administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1996 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1995, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a),

and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1996, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240;

(3) not distribute amounts authorized for administrative expenses and funded from the administrative taken down authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102-240, and 49 U.S.C. 5316, 5317, and 5338: *Provided*, That amounts made available under section 6005 of Public Law 102-240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act;

(d) During the period October 1 through December 31, 1995, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed \$277,431,840.

(e) During the period August 2 through September 30, 1996, the aggregate amount which may be obligated by all States pursuant to paragraph (d) shall not exceed 2.5 per cent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code, which would not be obligated in fiscal year 1996 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1996, has the amount distributed to such State under paragraph (a) for fiscal year 1996 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 313. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 314. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 315. Funds received by the Research and Special Programs Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 318. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1998, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that

air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 324. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 325. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 326. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1996.

SEC. 327. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by \$10,000,000, which limits fiscal year 1996 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than \$92,231,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the working capital fund.

SEC. 328. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 329. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 330. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 332. Notwithstanding 15 U.S.C. 631 et seq. and 10 U.S.C. 2301 et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

SEC. 333. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: *Provided*, That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

SEC. 334. (a) Section 5302(a)(1) of title 49, United States Code, is amended by striking—

(1) in subparagraph (B), "that extends the economic life of the bus for at least 5 years"; and

(2) in subparagraph (C), "that extends the economic life of the bus for at least 8 years".

(b) The amendments made by this section shall not take effect before March 31, 1996.

SEC. 335. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 336. Of the budgetary resources provided to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1996, \$25,000,000 are permanently canceled: *Provided*, That the Secretary of Transportation shall reduce the existing field office structure, and to the extent practicable collocate the Department's surface transportation field offices: *Provided further*, That the Secretary may for the purpose of consolidation of offices and facilities other than those at Headquarters, after notification to and approval of the House and Senate Committees on Appropriations, transfer the funds made available by this Act for civilian and military personnel compensation and benefits and other administrative expenses to other appropriations made available to the Department of Transportation as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That no appropriation shall be increased or decreased by more than ten per centum by all such transfers.

SEC. 337. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to "Rental payments" for any expense authorized by that appropriation in excess of the amounts provided in this Act: *Provided*, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 338. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than

that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 339. None of the funds in this Act may be used to enforce the requirement that airport charges make the airport as self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 U.S.C. 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas on the grounds of such airport's failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: *Provided*, That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: *Provided further*, That the Federal Aviation Administration does not find that any use of, or structures on, Kimery Park and Family Park are incompatible with the safe and efficient use of the airport."

SEC. 340. (a) Except as provided in subsection (b) of this section, 180 days after attaining eligibility for an immediate retirement annuity under 5 U.S.C. 8336 or 5 U.S.C. 8412, an individual shall not be eligible to receive compensation under 5 U.S.C. 8105-8106 resulting from work injuries associated with employment with the Department of Transportation (excluding the Maritime Administration).

(b) An individual who, on the date of enactment of this Act, is eligible to receive an immediate annuity described in subsection (a) may continue to receive such compensation under 5 U.S.C. 8105-8106 until March 31, 1996.

SEC. 341. None of the funds in this Act shall be available to pay the salaries and expenses of any individual to arrange tours of scientists or engineers employed by or working for the People's Republic of China, to hire citizens of the People's Republic of China to participate in research fellowships sponsored by the Federal Highway Administration or other modal administrations of the Department of Transportation, or to provide training or any form of technology transfer to scientists or engineers employed by or working for the People's Republic of China.

SEC. 342. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 343. (a) Subsection (b) of section 5333 of title 49, United States Code, is hereby repealed.

(b) The repeal made by this section shall take effect on the date of enactment of this Act. Any labor protection agreement or arrangement entered into or imposed pursuant to the subsection repealed by this subsection, or section 13(c) of the Federal Transit Act, prior to such date of enactment shall be terminated, as of such date, and shall have no further force or effect, and no rights or duties shall exist on the basis of any such labor protection agreement or arrangement entered into or imposed pursuant to such subsection or such section 13(c) notwithstanding the provisions of any law.

SEC. 344. In addition to the sums made available to the Department of Transportation, \$8,421,000 shall be available on the effective date of legislation transferring certain rail and motor carrier functions from the Interstate Commerce Commission to the Department of Transportation: *Provided*, That such amount shall be available only to the extent authorized by law: *Provided further*, That of the fees collected pursuant to 31 U.S.C. 9701 in fiscal year 1996 by the successors of the Interstate Commerce Commission, one-twelfth of \$8,300,000 of those fees

shall be made available for each month during fiscal year 1996 that the successors of the Interstate Commerce Commission carry out the transferred rail and motor carrier functions.

SEC. 345. The Secretary of Transportation shall not authorize funding of additional Federal-aid projects for the Central Artery/Third Harbor Tunnel Project in Boston, Massachusetts, unless a financial plan is submitted by the Commonwealth of Massachusetts by October 30, 1995, and approved by the Secretary: *Provided*, That for each fiscal year thereafter until the project is complete, the financial plan shall be updated bi-annually and submitted to the Secretary by February 1 and August 1 of each fiscal year and further funding shall not be approved by the Secretary until the Secretary approves such updated plans: *Provided further*, That each such financial plan shall be based on a detailed annual estimate of the cost to complete the remaining elements of the project including all commitments contained in the approved project environmental documents, regardless of whether these elements are to be federally funded: *Provided further*, That the financial plan shall be based on reasonable assumptions of future cost increases, as determined by the Secretary, and shall identify the sources of available and proposed funding necessary to finance completion of the project while considering other State transportation needs.

#### POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to make a point of order against page 54, line 3 through line 24.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. SHUSTER. Mr. Chairman, this provision violates rule XXI, clause 2(b) of the rules of the House because it changes existing law by imposing additional legislative requirements regarding funding.

The CHAIRMAN. Does any Member wish to be heard on the point of order stated by the gentleman from Pennsylvania?

Mr. WOLF. Mr. Chairman, I guess the gentleman does think it says that, because I think the parliamentarian read it carefully. It is my understanding that this language will be carried in another provision some other time?

Mr. SHUSTER. Mr. Chairman, we have committed for the Committee on Transportation and Infrastructure to deal with the issue. We have not agreed to this precise language.

Mr. WOLF. Mr. Chairman, that is fine. I take the word of the gentleman from Pennsylvania. I have no objection, and if the gentleman says that it violates a point of order, I believe him and that is it. I concede it.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. WOLF. Yes, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Are there amendments to title III?

AMENDMENT NO. 17 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Page 46, lines 3 through 7.

Redesignate subsequent sections of title III of the bill accordingly.

Mr. NADLER. Mr. Chairman, I am seeking to strike from this bill an unfunded Federal mandate which singles out New York City from the rest of the country. This is not the first time I have gotten up with this amendment; the gentlewoman from New York [Ms. MOLINARI] and I have had a colloquy on this amendment for several years now. She has been on the other side of this issue.

This legislation prohibits New York City from charging two-way tolls on the Verrazano Narrows Bridge between Staten Island and Brooklyn. This is the only provision of its kind in Federal law in the entire United States.

Mr. Chairman, currently having a one-way toll on the Verrazano Narrows Bridges creates a pathway into the central business district of New York City by going through Staten Island and Brooklyn into the city, and going out of the city through the Holland Tunnel to New Jersey from Manhattan.

Mr. Chairman, commuters and commercial vehicles which use this pathway can avoid paying any tolls at all, because the Verrazano Narrows Bridge tolls are turned around in the opposite direction from the other tolls on the bridges and tunnels across the Hudson River. This loophole has cost our transportation agencies that support mass transit between \$7 million and \$8.2 million annually.

Since we are discussing transportation appropriations, let me turn my attention for a moment from this legislative issue to one of actual transportation funding. Do any of my colleagues feel so strongly that they would be willing to make up those lost dollars out of their State's appropriation or to increase the appropriation to New York in this bill by that amount of money?

We are not talking about money being paid by my colleagues' constituents or by Federal taxpayers; we are talking about money New Yorkers pay to our local transportation agencies for our local transportation system. By what right does Congress tell us how to raise money locally and which way, and how, to charge tolls on a local bridge?

In addition to costing us between \$7 million and \$8.2 million a year in mass transit funds at a time when Federal mass transit subsidies as the gentleman from Michigan noted are being greatly reduced, this unfunded mandate diverts vehicles into lower Manhattan because of the traffic pathway it opens up in which vehicles going to Brooklyn go through Manhattan to get out in order to avoid the toll, thus greatly increasing air pollution and creating two hot spots. That is to say, particular concentrations of air pollution which creates large pockets of carbon monoxide concentration.

Mr. Chairman, we cannot afford this kind of increased air pollution in New

York City. We are already a nonattainment area under the Federal Clean Air Act and are subject to penalties by the Federal Government, the EPA, if we do not comply and attain ambient air quality standards within the time limit set. But without this amendment, Congress will not permit us to take action to reduce the congestion and to clean up our problem.

In addition to being a cause of increased air pollution, in addition to being an inconvenience for local residents in Brooklyn and Manhattan, lower Manhattan especially, this congestion is choking off maritime commerce from the Red Hook and South Brooklyn marine terminals in Brooklyn, as well as from numerous small commercial light manufacturing businesses on the Brooklyn waterfront and in Industrial Sunset Park in Brooklyn. We are losing jobs and it will only get worse.

A small minority in our city want to use the Federal Government to circumvent the popular will of the majority in our city. The sponsors of this provision, which my amendment seeks to eliminate from the Federal law, know that left alone, New Yorkers will do what is in our own best interest and eliminate the one-way tolls.

Mr. Chairman, I urge support of my amendment which simply removes the Federal mandate to have one-way tolls on this particular bridge and allows local government to make its own decision. This unfunded mandate has clogged our streets, killed local businesses, and destroyed the quality of life in our cities.

Unless we repeal this provision, Congress will continue to mandate the continued deterioration of these areas. Do not help them do it. I urge my colleagues to support this amendment and remove this detrimental provision from the law.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from New York [Mr. NADLER].

Mr. Chairman, one-way toll collection on the Verrazano Bridge is necessary for a number of reasons. If this language were stricken as proposed, traffic from New York City to Staten Island would increase dramatically. Traffic in Staten Island would become more entangled as traffic emanating in New Jersey would cross the bridge into Staten Island.

This system has been in place since fiscal year 1994 and has been included in each appropriation bill since that time. The issue has been debated time and again, and frankly nothing has changed to warrant the deletion of the language except for the fact that the language has been successful; therefore, there has been no change; therefore, there is no need to delete.

Mr. Chairman, the system is proven to work and an environmental impact analysis has been conducted to support the one-way toll collection on this bridge. Mr. Chairman, I oppose the

amendment to strike the committee language. We have had it for a number of years. I strongly urge a no vote.

Mr. COLEMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, just very quickly. I sympathize with my colleague from New York, Mr. NADLER, for a very simple reason. A number of our colleagues in the House over the years have had problems of this type that we have tried very hard in the committee to work with. I would hope that the authorizing committee will be able to work with the gentleman, although from time to time it has been necessary for our own Committee on Appropriations to deal with these issues.

Mr. Chairman, because this language is in the appropriations bill, the gentleman correctly approaches the other Members on the floor of the House with respect to this particular language in the appropriations, because I do not think he has anywhere else to go.

For that reason, Mr. Chairman, I certainly support his effort. I would only say to the chairman, the gentleman from Virginia [Mr. WOLF], I recall, indeed, some problems that the chairman has had a Route 66 and other areas around the regions that he represents with respect to traffic problems.

The one that is cited by our colleague may indeed be the case. While we have not personally held hearings, while I have not heard of any hearings on this issue before the Committee on Appropriations, it is exactly the reason that many of these issues should have been addressed by the authorizing committee. But I will say to my colleague from New York that I think a lot of Members will have an understanding about the problem.

I hope that those going in the other direction, which would occur should his amendment prevail, we also will be able to hear from them.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment which would have severe and obviously outrageous negative impacts on my constituents by ending the current one-way westbound collection of tolls on the Verrazano Narrows Bridge and instead adopt an eastbound collection of the tolls.

I should remind Members, as the gentleman from Virginia [Mr. WOLF], the chairman, did, that this attempt to reverse the toll collection has been turned back by Congress every year since it was first brought to the House floor in 1986. And with good reason, because there are clearly increased congestion and environmental concerns brought on by creating an eastbound toll collection.

Mr. Chairman, my colleagues from New York contends that the current traffic pattern encourages traffic congestion in Manhattan. Let us be honest. This will not change the traffic nightmare in Manhattan or Brooklyn. Traffic in New York City has increased

from 3 percent to 10 percent since 1984. For anyone familiar with New York City traffic, one needs to look no further than the reconstruction on the Gowanus and Brooklyn-Queens Expressways to determine whether the Verrazano Narrows toll is ultimately responsible.

To try to blame the Verrazano Narrows toll for increased traffic in Brooklyn, I would suggest, is like trying to blame the prolonged period of the OJ trial on the jurors. There is a good problem there, but the solution that you have advanced and the culprit you have identified has absolutely nothing to do with it.

Also, Mr. Chairman, should the Nadler amendment be made in order, traffic in New Jersey would increase dramatically. Perhaps the Triborough Bridge and Tunnel Authority's own statement of 2 years ago puts it best when it stated that "one-way eastbound toll collection, eastbound traffic diverted away from the Verrazano Narrows Bridge would add to existing congestion at the eastbound Holland Tunnel toll plaza."

But perhaps the single most important issue in this debate is the air quality and environmental health concerns in which past studies have all concluded the same thing: Staten Islanders who pay a disproportionate share of their toll on the Verrazano Narrows Bridge to subsidize mass transit and subways in the Borough of Manhattan will suffer from significantly increased levels of carbon monoxide.

In closing, this is an issue which is critically important to my constituents and to tens of thousands of commuters who use the Verrazano Narrows Bridge to get to and from work every day, while subsidizing the subways in Manhattan. In my mind the only acceptable change to the westbound toll, and maybe my friend, the gentleman from New York [Mr. NADLER] will agree with me, is no toll at all.

Mrs. MALONEY. Mr. Chairman, I rise in support of my colleague's amendment.

The gentleman from New York and I represent several neighborhoods in Lower Manhattan and Brooklyn that bear the brunt of the current wrong-headed toll policy on the Verrazano Bridge.

First, our colleagues from around the country should ask themselves—why Congress is meddling in a local traffic dispute.

That's a good question—especially when you consider that year after year, the mandate of the one-way toll from Brooklyn to Staten Island was put in place over the objections of our city and State governments, and all but one of our city's congressional representatives.

Here's why the one-way toll continues to be a terrible idea:

First, it wastes money. Because of toll evaders, New York is losing \$7 million in revenues. Revenues which are desperately needed elsewhere.

Second, it's an environmental disaster. The diverted traffic into my district has caused air pollution hot spots.

Third, the quality of life in these neighborhoods continues to deteriorate. Heavy trucks

are rattling through residential neighborhoods on roads not designed for this traffic.

The damage caused by the one-way toll over the Verrazano Bridge could be ended with passage of the Nadler amendment.

Mr. TOWNS. Mr. Chairman, I rise in strong support of this amendment introduced by my distinguished colleague, Mr. NADLER, to change the one-way toll collection system for the Verrazano Bridge crossing between Brooklyn and Staten Island in New York City back to a two-way collection. This is a matter of utmost importance to the residential and business communities that I represent. The one-way toll was established in 1986 as a temporary experimental program to study any decrease of air pollution impacting the Staten Island communities located near the then existing east-bound toll booths. Since 1986, several thousand Staten Island residents may have benefited from less air pollution but the half million people of western Brooklyn and Lower Manhattan have been choking from the hot spots created by the gridlock. For the past 9 years, these Brooklyn and Manhattan neighborhoods have suffered from a monumental increase in car and truck traffic through our historic neighborhoods due to the implementation of one-way westbound tolls at the Verrazano-Narrows Bridge. We have experienced a dramatic escalation in congestion, noise, pollution, and damage to our aging infrastructure as a result of the daily car and truck traffic that spills onto our local streets. This Federal intrusion in local traffic management imposing one-way toll collection has cost my constituents and my colleagues nearly \$1 billion over the last 6 years in losses associated with increased traffic congestion, air pollution, and noise. Because of this toll, motorists are turning western Brooklyn, Lower Manhattan, and Jersey City into a pollution-filled parking lot. Equally serious are the vibrations on our nearby residential and commercial buildings and the costly water and gas main breaks. The Metropolitan Transportation Authority has lost an estimated \$8 million a year in lost toll revenue since 1986. This has meant higher public transportation fares for everyone in New York, New Jersey, and Connecticut. One-way tolls have made it more difficult for the New York region to come into compliance with the Federal Clean Air Act.

Mr. Chairman, it is unconscionable that this action was ever permitted to happen, let alone continue for 9 years. Impassioned appeals to the Congress by leaders of Brooklyn and Manhattan to strip previous Transportation appropriations acts of this language have been ignored. Congress should not be in the business of imposing on local transportation officials toll collection schemes which bankrupt municipal budgets and clog our streets with metal elephants shaking everything as they motor by.

I implore my colleagues to support Mr. NADLER's amendment that addresses this major quality of life issue for some of New York's thriving neighborhoods.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.



The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Page 53, line 15, strike "\$8,421,000" and insert "\$5,421,000".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 10 minutes; 5 minutes for those favoring the amendment and 5 minutes for those opposing the amendment, 2½ minutes to the ranking member, Mr. COLEMAN, and 2½ minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, on June 16, 1994, Congress voted 234 to 192 to eliminate funding for the Interstate Commerce Commission. The task of the 104th Congress is to transfer any remaining necessary functions to the Department of Transportation.

Mr. Chairman, my amendment will cut \$3 million in operating expenses for carrying out these few functions. Some would have us believe that this would cripple the Committee on Transportation and Infrastructure's ability to legislate how these functions would be carried out by DOT.

Mr. Chairman, the simple fact is that in 1995, we spent about \$31 million on the ICC. Let us remember that figure, \$31 million in 1995. This year we are going to spend over \$22 million to carry out far fewer regulations without the cost of operating a large independent agency; a 27 percent cut for something that is being eliminated.

Mr. Chairman, my amendment still only brings the cut to 36 percent. It does not appear we have eliminated the idea of an ICC at all; we have only renamed it.

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I understand that the ICC will still exist for about 3 months into the new fiscal year. I am not touching any of that money.

I also understand that closing the ICC will cost money. I am not touching any of that money either. But what I am going after is the \$8.4 million for three-quarters of a fiscal year for carrying out functions that even many industry experts say should not cost \$5 million for the full year, and this is just for three-quarters, \$8 million, just three-quarters.

Let us take a closer look at these numbers. The \$8.4 million for 9 months comes out to over \$11 million for the full year. The rail industry suggests a strong regulatory structure within DOT may cost \$5 million to \$7 million for the year. That is at least \$4 million too much for a full fiscal year, or about \$3 million for three-quarters of a year funding.

I believe I left enough money in the appropriation for the Committee on

Transportation and Infrastructure to decide what sort of structure is necessary.

There are some who say my amendment does not go far enough, but I would like to believe that when all is said and done, when deregulation is complete, we will not have a successor to the ICC as the appropriation language indicates. We will have very few people carrying out very few functions.

The 104th Congress is about change. It is about reform and less government. We say we are eliminating the ICC, but are we simply changing its name?

Mr. Chairman, a vote for my amendment is not only a vote for fiscal responsibility and common sense, it is also about the new relationship Congress has with the American people. We say we want our Government to make do for less. So let us really do for less. It is called telling the truth to the American people.

I would encourage an "aye" on the Hefley amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the amendment would gut the ICC's ability to shut down, and the ICC will be shutting down. It would be disruptive and bring about bigger RIF's quicker than they have to do it, and they are shutting down.

The authorizing committee, who you will soon be hearing from, is drafting legislation that will sunset the ICC when it identifies which regulatory matters need to be considered, such as rail mergers.

Lastly, the committee heard from a large number of groups the ICC currently regulates. They have all asked for sufficient funding to continue ICC functions, such as undercharge claims, rail abandonment, rail mergers, and captive shipping rates and strongly oppose the Hefley amendment to reduce by \$3 billion.

The ICC, though, with this bill, will shut down and will be seen never more.

Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me only say to my colleague from Colorado the thing that he has not paid a lot of attention to is the fact that we have a lot of organizations out there that still need the facilities of the ICC at some point, whether or not it is an independent board of DOT, which is now proposed.

Look, the bottom line, the ICC is out of business by the end of the year.

Let me give you a number of those organizations who wrote a letter to the Speaker of the House, dated July 20. They said they wanted a sufficiently funded independent board within DOT. This letter was from the American Public Power Association, Western Coal Traffic League, Western Fuels Association, National Rural Electrical Cooperative Association, National Mining Institute, National Grain and Feed Association, Edison Electric Institute.

Why the money away from even being able to set up an independent board within DOT?

The Chairman is exactly right, you are to RIF a lot of people a lot sooner than you are going to have to otherwise. That is all this amendment does.

I think it is pretty shortsighted. I hope Members will oppose the amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

I am very surprised by this amendment. We are going to eliminate the ICC. We have scheduled it. In September, when we come back, we will move to eliminate the ICC, and there is no doubt in my mind that the votes will be there to do it.

Now, we must shut it down in an orderly fashion. The appropriation which the Committee on Appropriations has provided comes in under the budget resolution. It is not above the budget resolution. It is under the budget resolution, so that we have an orderly shut-down.

I have a whole page of functions which are going to be eliminated for motor carriers, trucks, and for railroads. Now, there are a few functions which must be transferred, probably over to the Department of Transportation, a review of rail mergers and acquisitions, the common carrier obligation. We have still got to be concerned with these issues. We have got to be concerned with safety issues.

But we are going to eliminate the ICC. But we are going to do it in an orderly way. We are going to do it with a very significantly reduced budget, indeed, a budget that is under the budget provided for in the budget resolution.

So for all of those reasons, I say let us not let this amendment pass. Defeat this amendment and let us eliminate the ICC in an orderly, efficient fashion.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I hate to be in opposition to my good friends here on this. We are all in agreement that the ICC needs to be eliminated.

When I, years ago, started this, I could not get enough votes to fill a phone booth in here. On this last year, we passed the idea of elimination. Now, everyone is in favor of elimination, but the talk is that I am trying to devastate it so it cannot be done in an orderly fashion.

We are still putting \$22 million in it, and many of the groups that are against this amendment are concerned about the motor carrier regulations. But the Committee on Appropriations assumes the fees collected will cover the expenses to administer any carrier function which remains.

The ICC wants to keep 60 people for this and transfer them to the office of



motor carriers within the DOT. Even the appropriations concede this is excessive, arguing the need for only perhaps a handful of motor carrier experts for the ICC need be retained. For the rail functions, the ICC wants to transfer 180 people for a commerce board. Again, the appropriations agreed this is excessive, contending that only 140 are needed. The administration believes only 100 people are needed. The rail industry believes, say maybe 50 or 60 will be enough for the board.

So, in my opinion, we are trying to do this in an orderly way. We are not trying to devastate their ability to function until it is time for them to phase out. The idea is, though, when they do phase out, we want them to phase out. We do not want just a name change.

So, again, I would encourage support for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Hefley amendment. The bill appropriates \$8.4 million for the necessary functions remaining after the ICC's elimination. I support that amount.

As most Members know, the Committee on Transportation and Infrastructure has been working diligently to produce legislation to close down the ICC. While we recognize the need to streamline Government and eliminate unnecessary regulation, the funds appropriated in this bill represents the barebones to support a more efficient and substantially deregulated independent successor to the ICC.

Additionally, because of our committee's effort to further deregulate the railroad and motor carrier industry, many of the ICC's functions will be eliminated yet some crucial functions would remain the responsibility the Department of Transportation or the ICC's successor, including jurisdiction over railroad mergers, intercarrier transactions, and rail rate regulation. Moreover, many functions would be eliminated including, the repeal of tariff filing, special provisions for recyclables, and minimum rate jurisdiction, just to name a few.

These functions that we seek to retain are important to the railroads, industry, shippers, and ultimately consumers. Therefore, it is crucial that we have the necessary funding to terminate the ICC in an orderly manner and more importantly, to provide enough funding for the ICC's successor.

We should not be shortsighted. It is simply impossible for a skeletal staffing level, which this amendment would result in, to support this extremely critical workload.

Mr. Chairman, there are 300 motor carrier undercharge cases currently

pending before the ICC. Members of this body are familiar with the undercharge crisis and recognize that millions of dollars of disputes are still pending in courts across the country—many of which will eventually be referred to the ICC or its successor. As I mentioned before, even though we are substantially deregulating the rail and motor carrier industry, there are many important functions that must be retained and any reduction in funding could prove to throw the transition process into chaos.

Mr. Chairman, the Hefley amendment, while perhaps well-intended, will seriously jeopardize the House's effort to reform the ICC. Therefore, I oppose this amendment, and I urge a "no" vote.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Hefley amendment.

Mr. Chairman, I strongly oppose the Hefley amendment. To my colleagues on both sides of the aisle. I say: if you believe in fairness in transportation policy, you should vote "no." I'm for reform of the ICC, but I am adamantly opposed to this senseless gutting of the ability of the ICC to carry out its duties under the law to enforce the captive shipper protections which Congress wisely wrote into the Rail Act years ago, and which are the responsibility of the FCC. The Hefley amendment would slash the funding and eliminate the staff of the ICC, with the result that the authority to protect captive shippers would remain, but there would be no means, no staff to enforce those protections, it would be a hollow law.

Bulk commodities such as taconite—a processed, high-grade form of iron ore—coal, phosphate, limestone are products that uniquely move mine mouth to consumer by rail—and, often, on a single railroad company's line. Without the oversight of the ICC, communities dependent on mining for their livelihood, would be at the mercy of these powerful rail shipping interests for their economic future. We should not take so drastic an action within the inflexible context of an appropriation bill, which does not allow us leeway to protect the legitimate interests of mining communities and the industries and their workers, to whom these bulk commodities are shipped. Vote "no" on Hefley.

Mr. COLEMAN. Mr. Chairman, I yield myself the balance of my time.

Just in closing, let me only say I think it has been said, but that what, indeed, all of the groups that wrote to the Speaker and were concerned about was very similar; they said;

We strongly encourage Congress to transfer those necessary functions out of the ICC to an independent board within the Department of Transportation. We want Congress to ensure that the new board is in place before appropriations for the ICC are exhausted, to ensure smooth transition.

That is all this is.

I think common sense would dictate that this Congress not do anything

that radical, and I would hope we would defeat the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

The point of order of no quorum is considered withdrawn.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Michigan [Mr. SMITH] and the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

#### AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. SMITH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 313, not voting 20, as follows:

[Roll No. 561]

#### AYES—101

Allard	Crane	Hostettler
Archer	Crapo	Inglis
Armey	Cubin	Jacobs
Bachus	Deal	Jones
Barcia	Doolittle	Kasich
Bass	Dreier	Klecza
Bentsen	Duncan	Klug
Boehner	Edwards	Kolbe
Bono	Ensign	Largent
Brewster	Fields (TX)	Lincoln
Brownback	Frisa	LoBiondo
Bryant (TN)	Funderburk	McInnis
Bryant (TX)	Gillmor	McIntosh
Burr	Gordon	Metcalf
Burton	Graham	Meyers
Buyer	Gunderson	Miller (FL)
Chabot	Hall (TX)	Minge
Chambliss	Hamilton	Moorhead
Chenoweth	Hancock	Myrick
Christensen	Hastings (WA)	Neumann
Chrysler	Hayworth	Norwood
Coble	Hefley	Parker
Coburn	Hergert	Paxon
Collins (GA)	Hilleary	Peterson (MN)
Cooley	Horn	Portman

Radanovich  
Riggs  
Rohrabacher  
Roth  
Royce  
Salmon  
Sanford  
Scarborough  
Seastrand

Sensenbrenner  
Shadegg  
Smith (MI)  
Souder  
Stockman  
Stump  
Talent  
Taylor (NC)  
Thornberry

## NOES—313

Abercrombie  
Ackerman  
Andrews  
Baesler  
Baker (CA)  
Baldacci  
Ballenger  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Barton  
Becerra  
Beilenson  
Bereuter  
Berman  
Bevill  
Bilirakis  
Bishop  
Bliley  
Blute  
Boehlert  
Bonilla  
Bonior  
Borski  
Boucher  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bunn  
Bunning  
Callahan  
Calvert  
Camp  
Canady  
Cardin  
Castle  
Chapman  
Clay  
Clayton  
Clement  
Clinger  
Clyburn  
Coleman  
Collins (IL)  
Combest  
Condit  
Conyers  
Costello  
Cox  
Coyne  
Cramer  
Creameans  
Cunningham  
Danner  
Davis  
de la Garza  
DeFazio  
DeLauro  
DeLay  
Dellums  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Dornan  
Doyle  
Dunn  
Durbin  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Evans  
Everett  
Ewing  
Farr  
Fattah  
Fawell  
Fazio  
Fields (LA)

Filner  
Flanagan  
Foglietta  
Foley  
Forbes  
Fowler  
Fox  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilchrest  
Gilman  
Gonzalez  
Goodlatte  
Goodling  
Goss  
Green  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Harman  
Hastert  
Hastings (FL)  
Hayes  
Hefner  
Heineman  
Hinchey  
Hobson  
Hoekstra  
Hoke  
Holden  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Istook  
Jackson-Lee  
Jefferson  
Johnson (CT)  
Johnson (SD)  
Johnson, E. B.  
Johnson, Sam  
Johnston  
Kanjorski  
Kaptur  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kim  
King  
Kingston  
Klink  
Knollenberg  
LaFalce  
LaHood  
Lantos  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Linder  
Lipinski  
Livingston  
Lofgren  
Longley  
Lowe  
Lucas  
Luther

Maloney  
Manton  
Manzullo  
Markey  
Martinez  
Martini  
Mascara  
Matsui  
McCarthy  
McCollum  
McCrery  
McDade  
McDermott  
McHale  
McHugh  
McKeon  
McNulty  
Meehan  
Meek  
Menendez  
Mfume  
Mica  
Miller (CA)  
Mineta  
Mink  
Molinari  
Mollohan  
Montgomery  
Moran  
Morella  
Myers  
Nadler  
Neal  
Nethercutt  
Ney  
Oberstar  
Obey  
Oliver  
Ortiz  
Orton  
Owens  
Oxley  
Packard  
Pallone  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Poshard  
Pryce  
Quillen  
Quinn  
Rahall  
Rangel  
Reed  
Regula  
Richardson  
Rivers  
Roberts  
Roemer  
Rogers  
Ros-Lehtinen  
Roukema  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Saxton  
Schaefer  
Schiff  
Schroeder  
Schumer  
Scott  
Serrano  
Shaw  
Shays  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton

Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Spence  
Spratt  
Stark  
Stearns  
Stenholm  
Stokes  
Studds  
Stupak  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Tejeda

Thomas  
Thompson  
Thornton  
Thurman  
Torkildsen  
Torres  
Toricelli  
Towns  
Traficant  
Upton  
Velazquez  
Vento  
Visclosky  
Vucanovich  
Waldholtz  
Walker  
Walsh

Ward  
Waters  
Watt (NC)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Whitfield  
Wise  
Wolf  
Woolsey  
Wyden  
Wynn  
Young (AK)  
Young (FL)  
Zeliff

## NOT VOTING—20

Baker (LA)  
Bateman  
Bilbray  
Collins (MI)  
Flake  
Ford  
Hansen

Hilliard  
McKinney  
Moakley  
Murtha  
Nussle  
Ramstad  
Reynolds

## □ 2159

The Clerk announced the following pair:

On this vote:

Mr. Nussle for, with Ms. McKinney against.

Messrs. MENDENDEZ, TATE, CREMEANS, and LONGLEY changed their vote from “aye” to “no.”

Messrs. JACOBS, HORN, BRYANT of Texas, MOORHEAD, WILSON, and RIGGS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## □ 2200

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded a vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. I have parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state his parliamentary inquiry.

Mr. COLEMAN. Mr. Chairman, this may not be in the proper form of a parliamentary inquiry, but I think it could be, so I wanted to ask whether or not this would be the last vote of the evening, in the event that the Committee were to decide to rise following this last vote.

The CHAIRMAN. It is the understanding of the Chair that this will be the last vote in the Committee of the Whole.

Mr. COLEMAN. I think the chairman.

The CHAIRMAN. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 270, not voting 20, as follows:

[Roll No. 562]

## AYES—144

Archer  
Armey  
Baker (CA)  
Barcia  
Barr  
Barrett (WI)  
Barton  
Bass  
Bereuter  
Bevill  
Bilirakis  
Bonilla  
Bryant (TN)  
Burton  
Camp  
Cardin  
Chabot  
Chapman  
Chenoweth  
Christensen  
Coble  
Coburn  
Condit  
Cooley  
Cox  
Cramer  
Crane  
Crapo  
Creameans  
Cunningham  
Deal  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan  
Ehrlich  
Ensign  
Eshoo  
Ewing  
Fields (TX)  
Forbes  
Fox  
Frank (MA)  
Frisa  
Funderburk  
Gallegly  
Geren

Gillmor  
Graham  
Gutknecht  
Hall (TX)  
Hancock  
Harman  
Hastert  
Hastings (WA)  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Horn  
Hostettler  
Hunter  
Inglis  
Istook  
Johnson, Sam  
Jones  
Kasich  
Kennedy (MA)  
King  
Klug  
Largent  
LoBiondo  
Longley  
Luther  
Manzullo  
McCarthy  
McCollum  
McHugh  
McInnis  
McKeon  
McNulty  
Meehan  
Metcalfe  
Mfume  
Miller (CA)  
Miller (FL)  
Minge  
Montgomery  
Moorhead  
Myrick  
Neumann  
Ney  
Obey

Oxley  
Packard  
Paxon  
Peterson (MN)  
Pombo  
Porter  
Portman  
Poshard  
Pryce  
Radanovich  
Rivers  
Roemer  
Rohrabacher  
Royce  
Salmon  
Sanford  
Scarborough  
Schaefer  
Schroeder  
Schumer  
Seastrand  
Sensenbrenner  
Shadegg  
Shays  
Skelton  
Slaughter  
Smith (MI)  
Solomon  
Souder  
Spence  
Stark  
Stearns  
Stenholm  
Stockman  
Stump  
Stupak  
Talent  
Taylor (MS)  
Thornberry  
Torkildsen  
Upton  
Waldholtz  
Wamp  
Weldon (PA)  
White  
Young (FL)  
Zeliff  
Zimmer

## NOES—270

Abercrombie  
Ackerman  
Allard  
Bachus  
Baesler  
Baldacci  
Ballenger  
Barrett (NE)  
Bartlett  
Becerra  
Beilenson  
Bentsen  
Berman  
Bishop  
Bliley  
Blute  
Boehlert  
Boehner  
Bonior  
Bono  
Borski  
Boucher  
Brewster  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Brownback  
Bryant (TX)  
Bunn  
Bunning  
Burr  
Buyer  
Callahan  
Calvert  
Canady  
Castle  
Chambliss  
Chrysler  
Clay  
Clayton  
Clement  
Clinger  
Clyburn  
Coleman  
Collins (GA)

Collins (IL)  
Combest  
Conyers  
Costello  
Coyne  
Cubin  
Danner  
Davis  
de la Garza  
DeFazio  
DeLauro  
DeLay  
Dellums  
Deutsch  
Diaz-Balart  
Dicks  
Dixon  
Doggett  
Dooley  
Doyle  
Dunn  
Durbin  
Edwards  
Ehlers  
Emerson  
Engel  
English  
Evans  
Everett  
Farr  
Fattah  
Fawell  
Fazio  
Fields (LA)  
Filner  
Flanagan  
Foglietta  
Foley  
Fowler  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frost  
Furse  
Ganske  
Gejdenson

Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gilman  
Gonzalez  
Goodlatte  
Goodling  
Gordon  
Goss  
Green  
Greenwood  
Gunderson  
Gutierrez  
Hall (OH)  
Hamilton  
Hastings (FL)  
Hayes  
Hayworth  
Hefner  
Heineman  
Hinchey  
Holden  
Houghton  
Hoyer  
Hutchinson  
Hyde  
Jackson-Lee  
Jacobs  
Jefferson  
Johnson (CT)  
Johnson (SD)  
Johnson, E.B.  
Johnston  
Kanjorski  
Kaptur  
Kelly  
Kennedy (RI)  
Kennelly  
Kildee  
Kim  
Kingston  
Klecza  
Klink  
Knollenberg  
Kolbe

LaFalce	Neal	Skeen
LaHood	Nethercutt	Smith (NJ)
Lantos	Norwood	Smith (TX)
Latham	Oberstar	Smith (WA)
LaTourette	Olver	Spratt
Laughlin	Ortiz	Stokes
Lazio	Orton	Studds
Leach	Owens	Tanner
Levin	Pallone	Tate
Lewis (CA)	Parker	Tauzin
Lewis (GA)	Pastor	Taylor (NC)
Lewis (KY)	Payne (NJ)	Tejeda
Lightfoot	Payne (VA)	Thomas
Lincoln	Pelosi	Thompson
Linder	Peterson (FL)	Thornton
Lipinski	Petri	Thurman
Livingston	Pickett	Tiahrt
Lofgren	Pomeroy	Torres
Lowey	Quillen	Torricelli
Lucas	Quinn	Towns
Maloney	Rahall	Trafficant
Manton	Rangel	Tucker
Markey	Reed	Velazquez
Martinez	Regula	Vento
Martini	Richardson	Visclosky
Mascara	Riggs	Vucanovich
Matsui	Roberts	Walker
McCrery	Rogers	Walsh
McDade	Ros-Lehtinen	Ward
McDermott	Roth	Waters
McHale	Roukema	Watt (NC)
McIntosh	Roybal-Allard	Watts (OK)
Meek	Rush	Waxman
Menendez	Sabo	Weldon (FL)
Meyers	Sanders	Weller
Mica	Sawyer	Whitfield
Mineta	Saxton	Wicker
Mink	Schiff	Wilson
Mollinari	Scott	Wise
Mollohan	Serrano	Wolf
Moran	Shaw	Woolsey
Morella	Shuster	Wyden
Myers	Sisisky	Wynn
Nadler	Skaggs	Young (AK)

## NOT VOTING—20

Andrews	Ford	Ramstad
Baker (LA)	Hansen	Reynolds
Bateman	Hilliard	Rose
Bilbray	McKinney	Volkmer
Collins (MI)	Moakley	Williams
Dingell	Murtha	Yates
Flake	Nussle	

□ 2207

The Clerk announced the following pair:

On this vote:

Mr. Nussle for, with Ms. McKinney against.

Mr. KOLBE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MFUME. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a parliamentary inquiry about tomorrow's schedule, and was wondering if someone on the other side could perhaps enlighten me with respect to the order of the schedule, the chronological order. I assume that there will be a limited number of one-minutes, and I am trying to find out whether or not we will proceed from that point into consideration of the corrections bill, or will we resume where we are tonight dealing with the matter before us?

The CHAIRMAN. The Chair is unaware of the program. perhaps we can entertain that parliamentary inquiry in the House.

Mr. MFUME. Mr. Chairman, would there be a Member on the other side of the aisle who might be able to inform me?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I was told we are doing limited one-minutes and then correction day earlier, and then after that, go to conference, and then after that, come back to the transportation bill.

Mr. MFUME. There is a 1-hour debate then on the corrections bill?

Mr. WOLF. Yes.

Mr. MFUME. I thank the gentleman, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on the amendment to be offered by the gentleman from Texas [Mr. COLEMAN] to strike section 343 be limited to 40 minutes, equally divided between the gentleman from Texas [Mr. COLEMAN] and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

Mr. BILBRAY. Mr. Chairman, I am pleased to join my colleagues in support of funding for the 511 Loan Guarantee Program. As a former city councilman, mayor, and county supervisor, I have long had an interest in the development of transportation infrastructure in San Diego County, CA.

During the last two decades, San Diego has developed a truly innovative public-private partnership in the area of transportation. In 1979, the Metropolitan Transit Development Board [MTDB] purchased the San Diego and Arizona Eastern Railway Railroad line. The San Diego Trolley Board which I had previously chaired, initiated transit service over the western portion of this line immediately surrounding San Diego.

In 1984, a Texas firm which operates Short Line Railroads established the San Diego and Imperial Valley Railroad which provides freight service over the line at night when the trolleys are not operating. This small railroad has provided good service and has been consistently profitable.

Unfortunately, in 1976, major sections of track were destroyed on the desert line which connects the National Railroad System. It has long been a major objective of the San Diego Association of Governments [SANDAG] to reconnect the railroad to the national rail network in the Imperial Valley. This will have major benefits for shippers in the San Diego area, and will provide relief for the transit lines which currently carry both freight and passengers into Los Angeles. Even though the track itself is owned by the transit district, management of the San Diego and Imperial

Valley Railroad have informed us that they will finance the reconnection if section 511 loan guarantees are made available.

I would like to commend my colleague from San Diego, Representative FILNER, who has been the leader on this issue, and I look forward to the reopening of this important freight connection.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the Smith amendment. One of the many transit projects that would be affected by this amendment is Jacksonville, FL's Automated Skyway Express—home of the new NFL team, Jacksonville Jaguars. The bill includes \$12.5 million which will complete the last segment of this mass transit system and allow easy, convenient access into our downtown area.

This project began in 1984, before I was elected to this office, when the Federal Government asked the city of Jacksonville to participate in a transit demonstration project along with the cities of Miami and Detroit. During the last 11 years, the city of Jacksonville and State of Florida has invested \$76,700,000, or 49 percent, in funding, while the Federal Government has invested \$81,644,911, or 51 percent, in this project. The significant local overmatch by the city of Jacksonville and the State of Florida indicates our high level of commitment to the completion of the system. The \$12.5 million from the Federal Government will fulfill its commitment to my constituents.

These funds are significant because we will be able to link the Southbank and the Northbank business districts, giving access to employment centers and Skyway parking facilities on either side of the St. Johns River. The duPont station, which is the terminal station on this segment, will accommodate a parking facility for almost 3,000 vehicles giving us a total of almost 5,000 peripheral parking spaces for Skyway patrons.

The total economic short-term impact, including the construction of both segments, north leg and river crossing, is significant. They will result in 4,693 new project-related jobs with a payroll of \$91.3 million, a local economic impact of \$274.8 million, a regional economic impact of \$284.3 million, and a national economic impact of \$429.8 million.

I would urge my colleagues to reject this amendment.

Mr. SCHAEFER. Mr. Chairman, I rise in support of the overall transportation appropriation bill but would like to note a concern I have regarding the funding levels for the Office of Pipeline Safety.

The Commerce Committee and the Transportation and Infrastructure Committee have both reported a bill (H.R. 1323) to reauthorize the Office of Pipeline Safety in the Department of Transportation for 4 years.

The authorized level in this legislation is \$20.7 million which would be collected through pipeline user fees. This level is 6 percent over the fiscal year 1995 authorized level and continues to increase in each of the subsequent 3 years by 6 percent.

However, H.R. 2002 appropriates \$27.2 million to the Office of Pipeline Safety. This is nearly \$7 million more than the anticipated authorized levels. At a hearing before the Commerce Committee's Subcommittee on Energy and Power, the Department of Transportation was questioned extensively about their proposed budget. The Subcommittee found that the Department's proposed budget was filled

with duplication and waste. Consequently the \$20.7 million authorization level was adopted.

The interstate natural gas pipeline industry spends over \$800 million per year on pipeline safety. This reflects the fact that primary responsibility for overseeing pipeline safety rests with the pipelines themselves, not the Department of Transportation. The Department should not be funded at levels sufficient for it to duplicate the safety activities of the pipelines; instead, its role is to ensure that pipeline safety laws and regulations are being enforced.

I do not believe more money will make the Office of Pipeline Safety run better or more efficiently. Thus, although I do not plan to offer an amendment to reduce the appropriated level to the Committee-approved authorized level, when H.R. 1323 comes to the floor I do not intend to raise its authorization levels.

Mr. VENTO. Mr. Chairman, I rise in opposition to the bill.

There are many areas of concern in this bill and I would like to point out some that I find particularly troubling.

Originally, I had considered offering an amendment to restore some funding to the pipeline safety fund. However, I will not offer an amendment. I feel compelled to take this opportunity to impress upon this body the absolute necessity to continue pipeline safety as a priority within the Department of Transportation.

Minnesotans unfortunately know first-hand the loss and destruction that can occur when a pipeline fails. In the district I represent, several people have lost their lives and there has been millions of dollars in property damage due to pipeline failures resulting in explosions and/or massive spills. Nationwide the numbers are staggering. In 1994 alone, the Department of Transportation reports that there were 465 accidents involving liquid and gas pipelines resulting in 22 deaths, over 1,000 injuries, and over \$130 million in property damage. Our Federal role with interstate pipelines is absolutely essential for safety, health, and environmental reasons.

We cannot prevent every accident, but with many caused by third party damage, we certainly can prevent some through a comprehensive one-call notification system that can alert an excavator to the location of a pipeline before an accident occurs. I commend the committee for acknowledging the importance of developing a one-call system in this bill's report language, and including some funding for such a system. However, this bill only earmarked \$1 million of the State Pipeline Safety Grant Program for developing and implementing a comprehensive one-call program; a program with the proven potential of saving lives and millions of dollars.

Unfortunately, once again in this Congress the new Republican majority has responded to the oil and gas carries rather than consumers; industry over the individual. The administrations budget sought an additional \$1.2 million for the State Grant Program. This measure denies such funding and instead in essence provides a \$7.5 million tax break to the pipeline industry.

The total appropriations for pipeline safety in the bill is within the proposed authorization. However, I would quickly point out that the authorization bill has not even been considered by the House or Senate, and yet the committee feels constrained by such a tentative

measure. It is my hope that the Senate, when considering pipeline safety, gives it the priority and funding it deserves.

Review of other aspects of this transportation appropriation points up other problems with this legislation which undercut important and basic worker protections by repealing section 13(c) of the Federal Transit Act. This section of Federal law, which maintains basic worker collective bargaining rights, has been in existence for over 30 years. During that time these protections have worked and have ensured a fair and livable wage for transit workers.

Today, we are asked to sacrifice the standards of living for middle class working families at the altar of cost reductions and local flexibility. It is ironic that the supporters of repeal includes major transit authorities. While those managers continue to collect their compensation, they are seeking to cut the wages of the workers who make these systems function. Such a duplicitous policy is wrong and should be rejected outright.

I am displeased that the House Rules Committee has not left the section 13(c) repeal subject to a point of order and that the rights of the workers can not be protected. It is another bad example of re-writing policy in an appropriation measure in violation with the rules of this House.

Another egregious provision in this bill is the proposal to cut mass transit operating assistance by \$310 million. That is a 40 percent reduction—representing 60 percent of the cuts in transportation funding. These cuts directly affect those in our society who can least afford them: The low income senior citizen who relies on mass transit to remain independent; the disabled person whose only means of transportation is mass transit; the welfare recipient whose only way to get to a new job is mass transit; the college student who uses mass transit to get to class; the middle income worker who depends on mass transit to get to their job. These are the people who will suffer from this cut, and these people will not be able to afford the 120 percent increase in their fares that the majority in this Chamber would like to impose upon them. This funding helps hold our urban areas together, we must not abandon commitments to our cities.

Mr. Chairman, once again we are faced with tough decisions on reducing Federal spending. As the majority party has done time and again, when the issue of cutting spending is raised, the first victims are safety, the poor and the rights of working families as graphically illustrated in this measure today. I urge the Members to reject this legislation and to enact a Transportation Appropriations bill that is fair and does not cripple our transportation and pipeline safety programs.

#### GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2002, and that I may include tabular and extraneous material.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall vote 554 from July 21, 1995, on final passage on the agriculture appropriations bill, my card did not work. Had it worked, I would have voted in the affirmative.

#### THE OVERALL TRANSPORTATION BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Fox] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address an important issue on which we started the dialog tonight. Mr. Speaker, that involves the overall transportation budget. No matter what part of the country you are from, Mr. Speaker, it seems to me it is very important we look at an integrated system and not only make sure we improve our roadways in this country, but also make sure we improve mass transit. That is why tonight I support the Foglietta-Fox amendment, which would have increased \$135 million for an operating subsidy.

Our mass transit system is the logical other half of our transportation network here in this country. While we need to improve roadways in certain areas and build new ones in still others, for those in areas that are suburban, urban, and rural, that depend on buses, trains, and subways to either be created or to be operated, we need to make sure we properly fund those kinds of programs.

□ 2215

It gives us the proper balance for our transportation system. Furthermore, it reduces gridlock and pollution, increases mobility. Many of our citizens across this country, Mr. Speaker, do not drive or do not have a vehicle at their disposal and therefore can take advantage of van pooling, transit systems, whether they are jitneys or buses, trains or subways.

The high-speed rail and the light rail are very important parts of our economy. They provide jobs, and they very much help make sure that transit works.

I will be working with our Commuter Caucus, people like the gentleman from Pennsylvania [Mr. FOGLIETTA], people like the gentlewoman from New York [Ms. MOLINARI], the gentleman from Virginia [Mr. WOLF], and others across this country and all parts of the U.S. House that represent all 50 States to make sure we have within our Commuter Caucus and for that matter those who are not yet Members and will become Members to be involved in this important quest.

I know that in my own district, where we have excellent train systems, we also have excellent bus systems, we need to have two new systems that the county commissioners have been working with me on, the State representatives and Senators, local businesspeople, and citizens across Montgomery County, PA. That is, to have a Schuylkill Valley Metro and a Cross-County Metro. The Cross-County Metro would go through 4 counties, Bucks, Chester, Montgomery, and Delaware counties outside Philadelphia and which strengthen the southeast Pennsylvania corridor not only for business but for students to get to school, for the seniors to go to senior centers, for people to shop, increase commerce and would be an excellent system and one that is really the way we should go for the 21st century. Hopefully the Cross-County Metro will be a reality not only in Pennsylvania but in other parts of the country.

We are also looking to a Schuylkill Valley Metro which would build a major highway in our county, and that is the 422 bypass.

I look forward to working on both sides of the aisle, the House and the Senate, Mr. Speaker, to make sure mass transit works along with the road system and to make sure we move this country forward on the rails, on trains, in subways and, yes, in cars.

I thank the Speaker and the colleagues tonight who have listened to our debate and hopefully will be part of our Commuter Caucus to make sure America keeps moving forward.

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

#### KEEP COPS IN THE STREET PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, tomorrow or Wednesday, the Congress will vote to deny 1996 funding for the President's

Cops on the Streets Program. The 1996 funding for this Federal program starts in just 68 days. The reason why funding will stop is politics, pure and simple. Everyone except the GOP politicians agree that the Cops Program is a success. In fact, a recent survey showed that 95 percent of the police executives, 95 percent out of 220, want to keep the Clinton Cops Program and not go back to the House-proposed block grant program.

Police executives know what happened in the 1960's and in the early 1970's. The block grant program then squandered scarce taxpayer dollars on luxury items such as tanks, airplanes, real estate consultants, studies, police academies, just to say a few. Money was wasted and crime soared. Our cities, neighborhoods and taxpayers were the victims. Now the Republican Party wants to go back to these block grant programs, riddled with waste, fraud and corruption. Just when communities and cities in the past year have received over 20,000 cops and have witnessed a significant drop in violent crime, take New York City, for example. There is a 31-percent drop in homicides in this year. All across this country, rape, robbery, and assaults are down. One of the major factors contributing to this success in the Clinton Cops on the Street Program, more neighborhood policing. Here is a program that is contributing to the decrease in crime and less than a year later this successful program is being scrapped for politics. Here is a program that is efficient. Less than 1.5 percent in administrative cost. It is a single page to fill out the application form, not the cumbersome multipage, multifaceted, multi-bureaucratic review for a technical grant process, making police agencies jump from hoop to hoop, requiring grant writers, consultants and administrators.

Under the Clinton Cops Program, administrative costs are low, less than 1.5 percent. Money goes into law enforcement and more cops on the street.

If we look at the Commerce, Justice, and State appropriations bill which will be on the floor Wednesday, the gentleman from West Virginia [Mr. MOLLOHAN] will introduce an amendment which will restore the \$1.8 billion for fiscal year 1996 for the Cops on the Street Program. The money would come from striking that amount of money from the GOP block grant program in the Commerce, Justice, and State appropriations bill.

The Mollohan amendment would provide an additional 20,000 cops on the street over the next 12 months. Republican critics will say that what they want are local communities to decide on how to spend their law enforcement money. There is plenty of money for local block grants in the Commerce, Justice, and State appropriations bill. There is a half-billion dollars for law enforcement grants. The Byrne block grants can be used for 22 different programs, and each program has been spe-

cifically approved by this Congress and the Department of Justice to prevent the abuses that were in the 1960's and 1970's.

Mr. Speaker, underneath the current block grant program that we have as proposed by our Republican counterparts, in your community, if you are trying to rely on these funds to fight crime and if violent crime goes down in your community the following year, you would lose funds. So if you crack down and you help clean up your neighborhoods, prevent crime, underneath the block grant program proposed by our friends, you would see your funding go down. If you are in a police crack-down, you lose funding. The President and Democrats believe you must reward communities that effectively fight crime, not punish them.

When we have this bill up tomorrow or Wednesday, whatever day it comes before this House, I hope that all my colleagues will look very closely at the block grant program. I hope they will support the Mollohan amendment which will move \$1.8 billion back into the Clinton Cops Program. Having been a police officer myself for the last 12 years, before I came into this job, it always seemed like police officers, law enforcement were always at the end of the political game.

I remember being in the State Police in 1979 and in 1980 in which there was a budget cut. What did we do even though we gave up pay increases and that? They ended up cutting State troopers from our State, just like in 1979 and 1980 in Michigan. I know many of you said, "Well, that happened in Michigan. It won't happen here in the Federal Government."

Let me remind my colleagues on June 29, 1995, rollcall vote 458, on basically a party line vote, all but one Republican voted for the bill, you cut \$2.5 billion from the block grant program. Not only does politics come in when we are talking about law enforcement, how we fight crime in Michigan, but it also appeared here on this House floor less than a month ago.

In my 12 years, I have seen politics play a vital role in how crime is fought, how officers are funded, and right now the pollsters tell us crime is the number one concern for the voters. Yet we are having proposals which will actually punish police officers for doing their job because they will get less money the following year to fight crime.

While we are dealing in a time of declining resources, we must put our resources where it will do the most good for the most amount of people. That has been time and time again in the Clinton Cops Program.

Don't just take it from me, but if you look at a list of who supports the Clinton Cops Program, the Fraternal Order of Police support it, the National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research

Forum, National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Foundation, National Sheriffs Association, Federal Law Enforcement Officers Association, and the U.S. Conference of Mayors.

Mr. Speaker, when we debate this bill on Wednesday before this body, I hope that the Members will support the Moloholam amendment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, August 31 will mark the end of a very distinguished career in the U.S. Army with the official retirement of Col. Jay McNulty. It also will mean the House of Representatives will lose the services of an individual who is the epitome of professionalism.

For slightly over 28 years, Jay has served in his Nation's uniform with great distinction. He served two tours of duty in Vietnam, first with the 11th Armored Cavalry Regiment (Blackhorse) and then the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). As a former armored officer myself in World War II and during Korea, I feel a special kindredship with Jay because of our similar military duty.

Since 1993, Colonel McNulty has served as Chief of Army Liaison to the U.S. House of Representatives. I am sure my colleagues will join me in commending Jay for the many times he has been of help to them and their constituents. He has served the Army well in this position.

On a more personal note, I appreciate the excellent job Jay did in planning and making arrangements for our trip to observe the 50th Anniversary of D-Day in England and Normandy last year. I believe we had the largest congressional delegation to ever attend a single event, not to mention the many other delegations from other countries. The trip was a logistical nightmare, but thanks to Colonel McNulty and his dedicated staff it was one of the smoothest trips I have been on.

Jay, we will miss you and certainly wish you well in the future as you take on new challenges. We thank you for your service to the House and the Nation. You truly have been a credit to the uniform you wear.

#### BIOGRAPHY

Col. John J. McNulty III, was commissioned a lieutenant of Armor in March 1967. He holds a Bachelor of Arts degree from the University of Texas and a Masters of Science in Public Administration from Shippensburg University in Pennsylvania.

Colonel McNulty's assignments have been primarily with armored cavalry units, including separate tours in Vietnam with the 11th Armored Cavalry Regiment (Blackhorse) and the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). On six different occasions, he has commanded troop/company-sized units. Two of these commands were as an Exchange Officer with the British Army of the Rhine in Germany. In 1984, he assumed command of the 1st Squadron, 3d Armored Cavalry Regiment at Fort Bliss, Texas. In July 1986, upon relinquishing command, he was appointed Assistant Commandant of the United States Army Sergeants Major Academy.

In August 1988, Colonel McNulty was assigned to the Office of the Secretary of the Army as the Chief of the Congressional Inquiry Division in the Office of the Chief of Army Legislative Liaison. Since 1993 he has

been the Chief of Army Liaison to the House of Representatives in the United States Congress.

Colonel McNulty is a graduate of the Command and General Staff College and the United States Army War College.

#### FRENCH NUCLEAR TESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise again to voice my strong opposition to a proposal recently announced by the President of France—that his government, i.e., the Government of France intends to explode eight nuclear bombs in certain atolls in the South Pacific beginning in September of this year—that's one nuclear bomb explosion each month for an 8-month period, and each bomb explosion is ten times more powerful than the atomic bomb dropped on Hiroshima, Japan—some 50 years ago commencing next month.

Mr. Speaker, may I ask the President of France, Mr. Chirac, why is he playing with the lives of millions of people of the world by starting another nuclear arms race?

Mr. Speaker, we will commemorate next month—when 50 years ago our Government decided to drop and exploded two atomic bombs on the cities of Hiroshima and Nagasaki, Japan at the height of World War II in the Pacific.

Mr. Speaker, the atomic bomb we dropped on the city of Hiroshima resulted in the deaths of some 140,000 men, women, and children of that city, and with some 70,000 buildings either severely damaged or completely destroyed.

The very center of this atomic bomb we exploded on the city of Hiroshima resulted in temperature measurements in excess of 5,400 degrees Fahrenheit, and the explosion destroyed literally everything within the 1½ mile radius. As many as 28,000 persons dies as a result of exposure to radiation, and also as a result of the nuclear explosion, the winds blew radioactive black rain and caused exposure of radioactive contamination to many others who were not directly exposed to the nuclear explosion.

Mr. Speaker, I am not going to elaborate further on the pros and cons as to whether our country made the right decision to explode these two nuclear bombs against Japan—however you want to argue this issue, but war has one basic mission in mind, and that is to kill your enemy. But in our present day, Mr. Speaker, man has devised such weapons of mass destruction that war has taken an entirely different perspective. One thing is absolutely certain, Mr. Speaker, nuclear bomb explosions do not discriminate against soldiers and civilian populations, especially when during the Cold War and

perhaps even now—by pressing that nuclear button, both military and densely populated cities have become targets for mass destruction.

So, Mr. Speaker, I ask the President of France why does he want to explode eight more nuclear bombs to further contaminate the fragile marine environment in the Pacific Ocean—where an island community of some 200,000 Polynesian Tahitians and Europeans living in French Polynesia may face serious exposure to radioactive contamination from these nuclear explosions.

As I said earlier, Mr. Speaker, these eight nuclear bombs the government of France intends to explode in French Polynesia will only add to the very serious danger where this volcanic formation under the Mururoa Atoll has already been exposed to some 139 atomic explosions—to put it another way, Mr. Speaker, some 139 holes have already been drilled into this volcanic mountain that surrounds the rim of the Mururoa Atoll—some holes are as deep as 3,000 feet, and in each of these holds a nuclear bomb device was exploded within this volcanic mountain.

Mr. Speaker, one does not need to be an expert nuclear scientist to tell any person living in the Pacific Region that not only is this volcanic mountain seriously contaminated with nuclear radioactive wastes, but that this mountain is basically below sea level, and that underwater mountains is totally surrounded by ocean water. Mr. Speaker, that ocean water in the Pacific carries the most basic life giving form as the most vital marine life resource—plankton. Mr. Speaker, another serious danger to those since French nuclear explosions in these atolls has been a tremendous increase of liguatera poisoning of the coral reefs and a variety of fish and other forms of life common to any marine environment.

Mr. Speaker, I would suggest that the President of France can really demonstrate his capacity as an outstanding world leader by simply recognizing the fact that the government of France does not need to explode these nuclear bombs; our country already has the technology France needs to improve its nuclear capability, and I understood our nation has already offered to share this technology with France.

Mr. Speaker, with the combined nuclear capability of the United States, Great Britain and France—can anyone honestly believe a nation or group of nations can "win" a nuclear conflict? Mr. Speaker, this is why it is so important that the five nuclear nations—also the five permanent members of the Security Council of the United Nations to show real leadership and initiative by abolishing nuclear bombs testing and provide strict controls over the proliferation of nuclear weapons and prevent another unnecessary nuclear arms race—and on this the government of France has failed miserably to show real leadership among the nations of the world.

Mr. Speaker, I include the following three items from the Washington Post for the RECORD:

[From the Washington Post, July 15, 1995]  
ANTI-NUCLEAR PROTESTS MAR BASTILLE DAY  
CHIRAC SAYS TEST PLANS IN PACIFIC  
UNCHANGED

SYDNEY, July 14.—Demonstrators around the Pacific opposed to French plans to resume nuclear testing held rallies and marches to try to spoil France's Bastille Day celebrations today.

But in Paris, President Jacques Chirac brushed aside the chorus of international protest and reaffirmed his commitment to go ahead with the testing, telling a Bastille Day news conference his decision was irrevocable.

Chirac said civilian and military experts had advised him unanimously when he took office in May that the tests were necessary to ensure the safety of the country's nuclear arsenal, complete the checking of a new warhead for France's nuclear submarines and develop computer simulation techniques.

"I therefore made the decision [to go ahead] which, I hardly need to tell you, is irrevocable," he said.

He repeated that France would sign and respect a complete test ban treaty next year and told French citizens the nuclear deterrent gave their "big modern country . . . political weight in the world."

Here in Australia's biggest city, Sydney, about 10,000 people shouting "Stop French testing" marched to a police-ringed French Consulate. Marchers, clogging four city blocks at a time, carried banners reading "Truffles not testing" and "Boycott products of France."

Expatriate Polynesians burned a French flag at a protest south of Sydney, and 1,000 people rallied outside a convention center in Canberra as the French ambassador went ahead with an official reception. Protesters yelled "No more tests" at guests.

An Australian legislator presented a 100,000-name petition to the French ambassador calling for testing to stop, and unions hurt French businesses with a range of Bastille Day boycotts.

Air France cancelled Bastille Day flights between Sydney and Paris and Sydney and New Caledonia due to a 24-hour ban on French military planes and French airlines by transport workers.

In New Zealand, about 2,000 protesters dumped manure outside the French ambassador's Wellington residence and heckled the ambassador and luncheon guests by chanting "Liberty, equality, fraternity, hypocrisy."

About 2,500 protesters marched on the French Embassy in Fiji's capital, Suva, and presented a 50,000-signature petition to the ambassador. Placards read, "This is not Hiroshima" and "If it is safe, do the tests under Chirac's nose."

On the other side of the Pacific, protesters marched in Lima, Peru, and Bogota, Colombia.

[From the Washington Post, July 15, 1995]

#### A TIRED DEFENSE OF NUCLEAR TESTING

To pirate Randy Ridley's colorful phrase in "Why the Test Ban Treaty Fails" [op-ed, June 29], the "overripe remnant of the Cold War" is not the Comprehensive Test Ban Treaty, as he states, but any further nuclear testing.

Even when the United States and the Soviet Union based their security on mutual assured destruction, they tried to negotiate an end to nuclear testing and in 1978 came close to success. After Moscow had accepted the American and British position on key issues like indefinite duration, on-site inspection and no exception for so-called peaceful

nuclear explosions, the United States drew back because of the same flawed reasoning put forward by Mr. Ridley.

Now, when there is no Soviet Union, and when Russia desperately needs friendship with the West, the arguments for continued (or resumed) nuclear tests merit even less attention.

After nearly 2,000 nuclear tests, the United States has accumulated more than sufficient data to ensure the safety and reliability of the U.S. nuclear arsenal. This vast experience would in fact lock in a tremendous U.S. advantage in stockpile maintenance. Renewed U.S. testing would instead automatically bring the British back into the game and impair our capacity to encourage restraint by France, China and possibly others.

Even more important, our espousal and the successful completion of a Comprehensive Test Ban Treaty would bolster our objective of preventing nuclear weapons proliferation. Just last month, sustained and adroit efforts brought about a consensus for the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT). The resolution on extension expressly noted the goal of completing a "comprehensive nuclear-test-ban treaty no later than 1996."

To renege on this promise would impugn the good faith of the United States and put the Non-Proliferation Treaty in renewed jeopardy. The same adverse effect would be created by any attempt to change the negotiating objective from a complete nuclear test ban to a treaty creating a threshold of as much as half a kiloton, as reportedly advocated by some within the Clinton administration.

Even after START II is fully implemented, the United States will have 3,500 strategic warheads on intercontinental ballistic missiles, submarine-launched ballistic missiles and bombers. No country contemplating a nuclear attack on the United States could ever assume that all of them, many of them or even any of them would fail to work. Our nuclear deterrent would remain not credible but irrefutable.

We made a solemn, formal commitment to achieve a Comprehensive Test Ban Treaty no later than 1996. We did so because we believed this to be in the interest of our own and international security. The decision was a correct one and must not be repudiated.

#### LEAVING HIROSHIMA TO FUTURE HISTORIANS

To the Editor: Now that the Enola Gay exhibit has been mounted at the Smithsonian, confrontation continues. I write as an ambivalent observer in that my outfit, like so many, was scheduled for the invasion of Japan in August 1945; but after the first flush of relief at being spared, again like so many, I became an opponent of nuclear bombs.

There is not likely to be a last word for years. If there were one comment to make at this time, it might be that given by Golo Mann, the German historian, in a 1959 interview in Switzerland.

Dr. Mann, who had just published a distinguished history of the Thirty Years' War, was asked why, familiar as he was with more recent German history, he did not write about World War II.

Said he, "There are no refugees from the Thirty Years' War."

While millions of Japanese and Americans, combatants, and not, survive and remember World War II, we might as well put history on the shelf and publish nothing until 2045. At that centenary, when all historians will never have been there, they can fight a bloodless academic war without the intrusive oversight of those of us who were.

Milton R. Stern, Sarasota, Fla., July 10, 1995.

#### WHAT FRANCE RISKS WITH NUCLEAR TESTS

To the Editor: I commend you for calling on the French President, Jacques Chirac, to show courage and statesmanship by canceling France's proposed nuclear tests in the South Pacific (editorial, July 5). His announcement has caused outrage in Australia and other South Pacific countries and is provoking a response from organizations around the world from Greenpeace to the European Parliament.

But France's behavior should be of concern to us all, not only because of what is happening in the Pacific, but because of the threat to nuclear non-proliferation and the comprehensive test ban treaty.

With the end of the cold war, security priorities have changed. The threat is now from primitive nuclear weapons developed by states beyond the international community's scrutiny. Widespread development would likely see such weapons used in a regional conflict or in state-backed terrorism. Large stocks of sophisticated nuclear weapons and old theories of deterrence are no answer.

The indefinite extension of the non-proliferation treaty last month is one very important way the international community can protect itself against this new threat. A comprehensive test ban treaty preventing upgrading or developing of new nuclear weapons is another one.

Although the French said they will sign a comprehensive test ban next year, their resumption of testing undermines this commitment. As part of the nonproliferation negotiations two months ago France agreed to exercise "utmost restraint" on testing before a test could be signed. Announcing a resumption of testing so soon after such a commitment is seen by many nonnuclear states as highly provocative and will harden attitudes.

Don Russell, Ambassador of Australia, Washington, July 13, 1995.

#### OVERKILL RESPONSE

To the Editor: The French Navy's raid on the Greenpeace ship Rainbow Warrior II (news article, July 10) is a fitting prelude to France's coming nuclear tests in the South Pacific.

Paris has shown disdain for protests against setting off thermonuclear explosions in a part of the world often described as a paradise on earth. How in character that the French respond to the presence of a rickety protest ship with tear gas and helmeted commandos.

But, of course, this is an improvement over simply blowing the ship up as the French did a decade ago, when the Rainbow Warrior I was setting off on a similar protest journey.

David Hayden, Wilton, Conn., July 10, 1995.

□ 2230

#### HOPES, DREAMS, AND ASPIRATIONS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I rise this evening to talk about hopes and dreams and aspirations. As we come now to almost 7 or 8 months into this 104th Congress, where do we find ourselves? Where are our hopes and dreams and our aspirations?

First of all, in terms of our hopes, we have a situation on Medicare where we



would hope that we did not have a proposal that took away choice from our seniors. But today we have a proposal that includes \$270 billion in cuts, and then it includes, in the Senate proposal, to place a burden on the backs of our senior citizens, to eliminate their choice and the reasonable decisions that they make to select a medical provider by vouchering them their Medicare services.

I would ask that as we look toward the future, that the hopes would be based more upon a bipartisan approach to solving the Medicare problem; that we would realize that although we all look to provide security and safety for Medicare into the 21st century, we cannot voucher our way and allot our way into that safety.

My hope would be that we could come to the bipartisan table and recognize that fraud and abuse are ways of downsizing the problems of Medicare, but the loss of \$270 billion is not.

I would hope that we would be able to say to the senior citizens that we would work collectively with some of the suggestions that have been made in order to ensure a system that works into the 21st century. I would hope that we could say that to our rural hospital systems, our urban hospital systems, as well our local and State governments who will bear the burden of this loss.

And then I would say that maybe we can keep the dream alive, and that is the dream of Dr. Martin Luther King, and not divide this House on the issue of race and affirmative action.

I would hope that this week, beginning July 24, we would not have a frivolous and fruitless debate on eliminating affirmative action tied to the Department of Defense appropriation bill without any manner of hearings or documentation that the abuse has been such that requires this kind of amendment.

I hope that this Nation realizes that race is still a factor, that discrimination is still prevalent, that the dream of Dr. King is trying to survive, but it is not yet there. And I would hope this House, in its wisdom, the leadership of this House, would not allow such a destructive, divisive amendment to come to the floor, especially when no documentation in this House has yet been established as to which direction to go to respond to the concerns of the American people who, I believe, believe in equality for all.

And so the dream this evening is that we would come together recognizing that some of our dreams have not yet been met and that affirmative action is not the fight to take the U.S. Congress and particularly the House of Representatives in its most imperfect sense, by an amendment that has no justification and has no reason to eliminate this very vital program that allows people to have equal opportunity.

And then I hope we will reach to our aspirations, and that is that we can

likewise come together in a bipartisan manner as we look towards space, as we understand our destiny as Americans, as we realize that the space station is not just another piece of iron machinery, but it is based upon the aspirations of Americans.

It emphasizes our ability to explore and search and find and discover. It helps us in medical research; it helps us determine the maximum capacity of the human body; it helps us understand where we will go in the 21st century as it relates to science.

It is not a space station of local regions; it is a space station of America. And just as we aspired to go to the Moon and looked in hope and dreamed about being an astronaut and celebrated the successes when Americans made their first steps on the Moon, here now we have an opportunity to associate and cooperate with our European partners, our Russian partners. But most importantly, Mr. Speaker, we have an opportunity to allow our children to dream, to then work, but to create better opportunities and a better quality of life for all Americans.

Mr. Speaker, I conclude by simply saying, let us have hope for a better Medicare system to save it for our senior citizens, let us dream for equality for all Americans and thereby eliminate divisive talk about affirmative action and race in this Nation, and let us aspire, yes, and dream for the 21st century so that we too can find out what makes the space tick, if you will, and find a better way to live in all the research that will be brought about through the space station.

Mr. Speaker, I yield back the balance of my time.

#### THE IMPORTANCE OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. LAHOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. LAHOOD. Mr. Speaker, I want to talk to the House this evening about a subject that does not seem at times to be the sexiest topic around here, although I think at times it does draw a great deal of emotion from many of the Members as was demonstrated when we began to and finished the debate on the ag appropriation bill.

It is a subject that I know many Members are very interested in and that is the subject commonly referred to as agriculture.

When I was running for election to this House, I told the people in my district that I wanted to serve on the Committee on Agriculture because of the importance of agriculture to my district, to the country, but because my district has had a very rich heritage of representation on the ag committee from former Congressman Paul Finley, who was the ranking member of the Ag Committee when he left the

Congress in 1982; Congressman Ed Madigan, the late Ed Madigan, who was the ranking member and then went on to serve as the Secretary of Agriculture; and then my former boss and mentor, the former Republican leader, Bob Michel, who was on the ag appropriations subcommittee for 25 years.

We have had a rich heritage in my district of representing agriculture, and that is something that I wanted to continue.

And there are three goals that I want to lay out and say to the American people that we need to strive for as we mark up the ag bill: No. 1, farm programs should not be singled out for spending cuts. All Federal programs should be on the table. Agriculture is willing to take its fair share, and I know that.

From talking to the farmers in my district, I know they are willing to take their fair share. They have taken their fair share over the last 10 years and when you look at the decreases in agriculture programs, while all other programs of Government have increased, agriculture has taken its fair share.

No. 2, spending cuts should go to reduce the deficit, not to spend on other programs, as has been the case in the last 10 years.

And finally, Congress must deliver on promises to roll back the tidal wave of burdensome regulation, provide consistency and predictability in our export markets and restore fairness and sanity to our Tax Code. I think if we could meet those three goals, we would be serving agriculture well and serving all Americans.

I am joined this evening by three distinguished colleagues from the House of Representatives, and I would like to provide an opportunity for them to sound off for a minute or two about some important issues related to agriculture in their districts.

I think what I would like to do is yield to the gentleman from Washington [Mr. NETHERCUTT], who comes here from an agricultural district, and having been appointed by the Speaker of the House to chair a task force for those members who do not sit on the Ag Committee and are not intimately involved in the everyday workings, as some of us are, for whatever comments.

I yield to the gentleman from Washington [Mr. NETHERCUTT], and welcome his comments with respect to what he has been doing with his task force and other matters that he would like to address the House with.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman very much not only for yielding but for his participation as a Member of the Task Force on Agriculture that Mr. GINGRICH and Mr. ROBERTS, the chairman of the Ag Committee have approved as something that is vitally important to the agriculture industry in this country.

You have been very involved in this task force, Mr. LAHOOD, and I really appreciate your input and your advice and your good counsel.

There is no question but that agriculture is extremely important not only to my State and my district, but these United States of America. We, I think, are many times in this country too easily swayed to say that all farmers are wealthy and that they do not need any assistance or participation with the U.S. Government; that is just not the truth.

Agriculture has gotten a bad rap over the years, and we are here, I think, representing our respective districts to try to bring some perspective on the issue of what agriculture does for America, and what the government can do to assist in a partnership with agriculture to make America more successful.

We do have a wonderful task force, about 33 Members, freshmen and others, who are not from the Committee on Agriculture but are from agriculture-producing districts that care about agriculture, and that care about rural America.

And that is really what agriculture is about, not only to America as a whole and the exports that agriculture brings to this country and the benefits of exports, but the benefits to rural America. And that is really the middle part of this country and really all parts of the Nation, especially the Northwest, which I am happy to represent and proud to represent.

I am from the 5th district of Washington, as you know, and we have a tremendous wheat market there. We have oats and barley, we have apples and cherries and about every agriculture product we can imagine. We export about 90 percent of our agriculture products that are grown in my district, so programs that enhance exports and assist in the balance of trade in America are very helpful not only in my district but the rest of the country.

There are a couple of programs that I think are worthy of discussion tonight for just a few minutes, and I am not going to take too long. The Export Enhancement Program is a program that was developed in 1985 as part of the farm bill, which was a vehicle for enabling American agriculture to compete with foreign governments who assist their farm sectors in reaching worldwide markets.

As I said, 90 percent or so of the wheat that goes from Washington State is exported, and it results in millions and millions of dollars to the balance of trade. It provides 30,000-some-odd jobs in our State and it affects exports in virtually every State in the United States of America.

The Export Enhancement Program is a vehicle for America to compete with foreign governments where they are unfairly competing in the world market for ag sales. In 1980, you may remember President Carter imposed the embargo on the Soviet Union. That was devastating to agriculture because it took away by unilateral action of our country the ability to sell in foreign countries like the Soviet Union.

As a result, our market share in the Soviet Union, the former Soviet Union, and other countries throughout the world has suffered. The Export Enhancement Program, which was developed in 1985 tries to remedy this imbalance and this inequity.

This year, as we passed the Agriculture appropriations bill just last week, we provided \$800 million in assistance for all agricultural commodities that are eligible for Export Enhancement protection and that is going to help farmers and rural America, and it is going to help the American economy.

Those are the kinds of programs that I think get distorted in the media and get distorted in the debate on this House floor, and that is unjustified. The Export Enhancement Program is a minimal way that the Federal Government can assist agriculture in the United States.

We have to have our American farmers able to compete in these world markets not only by Export Enhancement Assistance by the government, but in the area of research. Most small farmers and cooperatives of farmers are unable to garner the support and the financial commitment to conduct the very extensive research that needs to be done so that we can compete in markets like China and Japan and Australia and other places.

The U.S. Government has a role in providing research funds, and we are doing that in this agriculture appropriations bill.

We also want to make sure we promote our markets worldwide. Other countries promote their products in America and throughout the rest of the world. Our country should do the same. There is a minimal amount of money in the agriculture appropriations bill to do that, so I think we all have to be aware and take a part of the education requirements that we have to make sure America understands the importance of agriculture.

□ 2245

It is not a sexy subject or an exciting subject, but it is a very vital subject that is very, very important to millions of Americans around this country.

I want to thank you for allowing me to have a chance to talk a little bit about the export enhancement program. I want all the Members to remember that particular program and support it. The Market Promotion Program is a good, wise use of American tax dollars, and ag research is very, very important to allow our farmers to compete in worldwide markets.

Mr. LAHOOD. I thank the gentleman from Washington for bringing out those important points, and I wonder if the gentleman would just spend another minute or two talking about your task force and what you see your task force doing now that we are finishing with the ag appropriations bill, but we still have to mark up the au-

thorization bill and authorize a number of programs, how you see your task force working, and then ultimately reporting to Speaker GINGRICH and the House on what you have been doing.

Mr. NETHERCUTT. Well, that task force, I think, is a very import one because we passed the appropriations bill just last week, but we have the so-called farm bill. Every 5 years as the gentleman knows, we reauthorize farm programs and farm policy in this country, which includes food stamps and Women, Infants, and Children funding as well as commodity supports and price supports and other programs within the Department of Agriculture.

Our task force is mobilized to the point where we are bringing a diverse range of views to the Committee on Agriculture as it formulates a 1995 ag bill, a farm bill for the next 5 or 7 years. So we want to have input as nonmembers of the Committee on Agriculture to that committee and let you all know and others know that agriculture, whatever the particular aspect may be, is very important, and we want to have a voice in the formulation and preparation of the ag bill. We will be meeting periodically in this House of Representatives. We will be holding public meetings throughout our respective districts across the country to have input from the farmer and the banker and the local community person who depends on agriculture to make sure that the Committee on Agriculture is clearly aware of our views and America's views on what a farm bill should look like in 1995 and beyond.

At a time where we are feeling tremendous budget pressure on agriculture, I think we need to have that extra input, and I am very thankful to all the Members who are part of this ag task force as we form these various opinion discussions and have a chance to have input into the process. We have not had that before to the extent that we will this year, and I thank you and Chairman ROBERTS and everybody else, Speaker GINGRICH as well, who cares very deeply about agriculture, and so that we have a strong agriculture policy. I think that, in a changing world, we want to be sure that we use good judgment as we form a new farm bill in 1995 that affects millions of people across this country.

Mr. LAHOOD. I thank the gentleman very much for his contributions.

Two other gentlemen have joined us, one from North Carolina, Mr. JONES, and one from Georgia, Mr. CHAMBLISS, and both of you gentlemen were involved in the discussions as we were talking about the ag appropriations bill, and I know that you will be involved as we mark up the 1995 farm bill. Each of you comes to the House representing a different part of the country in a sense and also a different region of the country and certainly different interests as they relate to agriculture, and I think it would be interesting for you to sound off for a few

minutes about the kind of interest that you have, one involving tobacco in North Carolina, one involving peanuts in Georgia, and two areas that I am sure are very misunderstood by the American people and by many people in this House, by the way, and I think it would be enlightening.

I yield to the gentleman from North Carolina for whatever comments he may have with respect to tobacco, to agriculture as it relates to your district or other matters related to this.

Mr. JONES. I thank the gentleman from Illinois. I am delighted to be part of your program tonight.

I also serve on the Ag task force. I am not on the Committee on Agriculture, even though in my third district of North Carolina agriculture is extremely important, from tobacco, which we grow more tobacco in my district than anywhere in the world, hog farming, turkey farming, corn, peanuts, not to the degree of the gentleman from Georgia. All of this is very important to my district.

I appreciate having the opportunity as you know, with the Durbin amendment, I guess our colleague from Illinois, that I think took a shot, if you will, at tobacco farmers. I just wanted to give you tonight some brief information on my district and my State, because, as you said, so many people throughout America are just not as informed as I think they should be about the tobacco program as it is and also what it means to this Nation.

Most of us from North Carolina feel very strongly that youth, people 18 years and younger, should not be smoking cigarettes, and there is a State law that prevents that from happening. But we do feel adults, those 18 years and older, it is their constitutional right to make a decision whether they want to smoke or not. I do not smoke cigarettes. I do not have any tobacco allotments. But my wife does smoke, and that is her privilege.

But what we feel that this really is coming down to is a constitutional right, if you will, for an individual to make that decision whether he or she wants to smoke.

Let me tell you just a few facts about my district and my State, and then after the gentleman from Georgia speaks, I will be glad to answer any questions from you.

In my district alone, which are 19 counties, there are 11,500 tobacco farms in my district, in 19 counties. The average tobacco farmer in my district farms less than 4 acres, so hardly can he or she be considered a corporate entity, if you will. The small tobacco farmer also contributes more than \$30 million annually in various assessments. Tobacco growing requires about 250 man-hours of labor per acre harvested. Let me repeat that real quickly, 250 man-hours of labor per acre harvested.

By comparison, it takes about 3 man-hours to grow and harvest an acre of wheat.

The local and State taxes levied on the tobacco farmer, which accounts for \$250 million in North Carolina, is used to make improvements to infrastructure, schools, community projects, churches, that again we are just talking about my district alone. Again, remember, this is a freedom-of-choice issue with the individual that would like to smoke, the adult male or female.

In the State of North Carolina, the tobacco industry is one of the most significant economic forces in our State. The State leads the Nation in growing tobacco, warehousing, manufacturing, wholesale, triad of tobacco and tobacco products. The State employs, these are tobacco workers now, to the gentleman from Illinois, 154,713 individuals that are employed that work in tobacco at an estimate of \$1.6 billion. Also, in addition to the 154,000 people that work directly with tobacco, we have 260,000 people that have tobacco-related employment that earn a total of \$5.8 billion. More specifically, one in 12 people are employed by the tobacco industry in the State of North Carolina.

So if you look at what the FDA Director, Dr. Kessler, and I say loosely, and I will talk about that a little bit later, if you will, that wants to classify nicotine as a drug, which we think he is way out of bounds on that, in that position, when I share those numbers with the people that are employed and what it means in salaries and revenue, the tobacco industry in North Carolina alone contributes \$2.7 billion annually to the Federal Government in tax revenue, an additional \$582 million to the State of North Carolina.

Just a couple of other points, then I will be glad to yield to the gentleman from Georgia. Let us talk about the Federal Government and what the tobacco industry and growers in my district in the South mean to the United States Government. In 1994 the Federal excise on cigarettes grossed a total tax of \$5.7 billion. Federal, State, and local taxes on cigarettes in the year 1994 amounted to nearly \$12.5 billion or \$49 per man, woman, and child. That is a great deal of money.

Every year, the Federal Government counts on \$25.9 billion in tobacco-related revenues, compared to the approximately \$16 billion it costs the USDA to administer the program.

The reason I share those figures with you and the gentleman from Georgia, which you both know, to begin with is that so many times the citizens of this United States do not realize what the tobacco industry means to the Federal Government. Quite frankly, in this era of budget cutting, as we should be doing, and I am a new freshman Member, as you well know, and I support all the budget cuts, how in the world would we make up \$25.9 billion in revenues that are generated by the tobacco industry? Would it go back to the taxpayer? I think the taxpayers would not like that at all.

So, in closing, and I look forward to talking a little bit later about the FDA and their regulations and how they, Mr. Kessler and the Clinton administration, are turning on nicotine, trying to designate it or classify it as a drug, which we think it should not be, and how they are dropping the ball, meaning taking 14 years to approve a pharmaceutical company that is trying to develop a drug that is trying to save someone's life.

I hope the gentleman from Illinois will pick this up a little bit later, but I am delighted to have a few minutes to share some of these facts with the individuals that might be watching us tonight to let them know that tobacco is a freedom-of-choice issue for the adult that would like to smoke, and what it does in generating revenues for the Federal Government, State and local governments.

Mr. LAHOOD. I thank the gentleman from North Carolina. I want to give an opportunity for the gentleman from Georgia to talk about another program that we will be working on as a part of the 5-year farm bill authorization, and certainly was an issue that came up in the ag appropriation bill, maybe not highlighted as much as it has been in years past, but it is a program that I know is misunderstood by the American people, but it is a very important program that has to do with the peanut program, and I know that there are other areas that you are interested in.

But I think it would be enlightening, if you will, for the American people to have some sense of some of the issues that revolve around that particular program and any other issue that you would like to enlighten us about.

I yield to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. I thank the gentleman from Illinois for yielding to me.

It has been a real pleasure to serve on the House Committee on Agriculture since I have been here from January 4 forward, and probably the greatest pleasure that I have in serving on that Committee on Agriculture is the fact that I get to sit next to you in our full committee hearings, and I so much enjoy the gentleman's comments on the side about what is going on in the hearings, and it is thoroughly enlightening to hear the gentleman from Illinois make hear the gentleman from Illinois make his comments about what the witnesses say and particularly what they do not say. It has been a real pleasure.

You are correct, I do come from a peanut-producing district. My State of Georgia produces 42 percent of the peanuts that are grown in the United States. The United States is the third largest peanut-producing country in the world right now, and my district, the Eighth district of Georgia, is the second largest peanut-producing district in the United States, the district that adjoins me, the second district, being the largest district.

I come from a very strong agricultural background. I come from Colquitt

County, Georgia, the most diversified agricultural county east of the Mississippi River. We not only grow peanuts, we grow an awful lot of cotton, tobacco, corn, livestock, cattle, all sorts of product. In fact, my son-in-law is a farmer in Colquitt County. He grows a little bit of peanuts, a little bit of tobacco, primarily produce. We grow a lot of squash, peppers, cabbage, eggplant, about any kind of produce you can imagine. I do come from a very strong agricultural background.

I talked a lot on the campaign trail last year about the fact that the agricultural economy of this country is still the backbone of this Nation's economy, and without a good strong agricultural economy, this country is in real trouble. You know, what makes it so interesting for the four of us to sit here and talk about this, I mean we have got somebody from Illinois, we have got somebody from Washington, somebody from North Carolina, somebody from Georgia. All of us, really, from an agricultural standpoint, we come from varied backgrounds, but we all believe in the same thing, and that is a good strong agricultural economy, and I believe in the corn program just as much as you do, and you have been a strong supporter of the programs in my district and Walter and George likewise. I think that is what makes this House such a great institution that we can bring those kinds of ideas from all over the country together.

Let me just dwell for just a minute on the peanut program, because as you mentioned, it came under fire a little bit last week. It has every year in this House of Representatives for the last several years. Some people in leadership positions have come out strongly in opposition to the peanut program.

□ 2300

Let me just tell you, those folks really have never been out to south Georgia to see peanuts grown in the field or see the farmers that are growing those peanuts, or else they would have a much greater appreciation for that program than what they have.

We have an awful lot of folks who sit up here in their ivory towers in Washington and New York and other think tanks in this country and criticize not only the peanut program, but all other agriculture programs as being bad for the economy of this country and something that we need to do away with.

Mr. Speaker, those folks that sit in those ivory towers have never gone out and grown a garden, they do not know whether those peanuts grow on a tree or underground, much less how a cornfield looks or how a cotton field looks. The folks who are out there on a day-to-day basis and driving tractors and planters and harvesters, those are the folks that make America go, and those are the folks that we in this House need to concentrate on, and those are the folks that we are concentrating on.

I got carried away and I apologize. But the peanut program is a very com-

plex and complicated program. It is concentrated on a small area, from Texas basically, although there is a little bit grown in New Mexico. It moves eastward all the way to the coast, with the peanuts primarily being concentrated in the Georgia and Alabama area, the largest number of them.

Mr. Speaker, the peanut program that we have in place now is a supply side managed system, as are all farm programs. First of all, let me dispel one myth; that is, the peanut program is not an expensive program. People that are critics of the program talk about how much money it costs and if we did away with it, how much money we would save. That is a real myth. The peanut program itself has cost the American taxpayer an average of \$15 million a year over the last 10 years. That pales in comparison, not only to other farm programs, but other programs. That is not a large amount of money.

The myth that the peanut program costs the consumer money at the grocery store is something else that I want to dispel. We have had testimony by two people, one who is a manufacturer, and one who is the current Secretary of Agriculture, over the last several months who have been asked the specific question, if the peanut price were reduced, would that decrease the price of peanut products to the housewife at the grocery store. Both of them have been directly and emphatically said no, it would not.

We get a lot of criticism about the fact that the peanut program costs the taxpayer or the housewife \$500 million a year, and that is simply wrong. Again, it is those folks that are sitting in those ivory towers that are making those off-the-wall statements that have no idea about what they are talking about.

The program is more complex because of the fact that it is a quota-type system. You will hear people stand on the floor of this House during our debate over the peanut program in September and they will tell you that the only way that you can grow peanuts and get the highest price for them is to have a Federal license. Well, being a supply-side program, it is controlled by the Federal Government. The Federal Government decides who has quota peanuts and who does not.

Anybody can grow peanuts. There is simply no restriction on anybody from growing peanuts. There is a restriction on those folks who are allowed to participate in the program, the same way as there are limitations on folks going out and building a radio station and operating a radio station, operating a TV station, building a hospital, operating anything where you are required to get a license. There are controls that come out of the Federal Government.

So the peanut program is something that has received unfair criticism because of the myths that are outstanding out there.

Be that as it may, the folks who are involved from a grower, manufacturing and a sheller standpoint have been working on reforms in the peanut program for the last eight or nine months since I have been elected to Congress and we have been working very hard on it. We have met on a regular basis time and time again to make reforms in the peanut program that number one, are going to move it to a no-net cost program so that it would no longer cost the American taxpayer one dime.

Second, we are going to make it more market-oriented. We are going to do things such as allow for the sale and the transfer of peanut quota across county lines, so that anybody who wants to get involved in the peanut growing business with quota peanuts can do so. They simply make the same investment that those folks who now own quota have made over the years.

We are also going to move the peanut program into the 21st century where we will have to comply with the terms of NAFTA and GATT. We know that all farm programs have got to transition to that point, and we are going to be able to do that through the implementation of a more market-oriented system.

The third thing we are going to do is we are going to continue to provide a safety net to the farmers of this country who grow peanuts to ensure that they are able to continue to grow them and to make some sort of return on the investment that they have made. Those are the types of things that we are doing, and it is a very complicated program, as are all farm programs.

Mr. Speaker, we have a great leader in the gentleman from Kansas, Mr. PAT ROBERTS, who is moving all of us on the Agriculture Committee towards designing farm programs all across the agricultural spectrum to allow us to move into that 21st century with a good, solid farm bill over the next 5 years. I am kind of excited about it. It has given the gentleman from Illinois [Mr. LAHOOD] and myself an opportunity to be a part of what I think is implementing the most important farm bill that we have ever had to deal with in this country, because it is a farm bill that is going to dictate how our children and our grandchildren are able to farm for the next generation.

Mr. LAHOOD. I appreciate the comments of the gentleman from Georgia, and your contribution here in trying to enlighten those of us who need enlightening about that program and other programs that we will be considering as a part of the 1995 farm bill.

Our time is limited here. Let me throw out one other issue and get a response. I think the thing that drives people, particularly those in agriculture in my district up the wall, if you will, or drives them a little crazy is this idea of overregulation, the idea that some agency of the Federal Government can come in and designate, for example, a part of their land as a wetland, or they can designate it as an

area that cannot be used for growing crops.

I have heard, like so many of the other people in this House, and Mr. CHAMBLISS, I am sure that you hear the complaints about overregulation. We passed a good regulatory reform bill. We need to do more. We are going to be working on reform of EPA and OSHA and FDA and some other agencies that have frankly gone too far, and try and bring the pendulum back, bring back some common sense.

In the Transportation Committee we passed a clean water bill which I think brings common sense back to this idea that the Government can come in and just dictate to local government or State government or to an individual farmer or rancher that they have to do certain things. I know that this whole definition of wetland has been a real problem in the area that I come from, and I would be curious to know if Mr. JONES from North Carolina or Mr. CHAMBLISS from Georgia has encountered that from any of your constituents that you could cite for us as an example or two of some areas where we have just gone overboard in some of these things.

Mr. JONES. If the gentleman would yield a moment, I will be glad to share with you that 60 percent of my district, which again is the third district of North Carolina, is considered wetland, 60 percent. We held a congressional hearing about 4 months ago down in my district, Congressman POMBO from California and the members of the committee, and I also serve on that committee. We had a public hearing, and I will never forget the story of one farmer. There are many stories I would like to share with you, but because of time I will share this one with you.

A young farmer who was probably in his late 30s had inherited farmland from his father and grandfather. He had been farming that property up until about 6 years ago. Then, all of a sudden, from the bureaucracy, they determined that part of that farmland was wetlands. So he does not farm any more. He cannot afford to.

He made a very compelling presentation to the committee. You are absolutely right, the Endangered Species Act, the Wetlands Act, all of these regulations have gone too far, and all that this new majority is trying to do, which I am delighted, as you two gentlemen are, to be part of this new majority, is to find some middle ground, some balance.

I do not know anyone in our party that is not concerned by what is truly, I use that word truly, an endangered species or wetland. But we have seen the extremists go too far and we are trying to bring it back to a balance, and I can assure the gentleman from Illinois and the gentleman from Georgia that the farmers in my district are extremely pleased to see this new majority deal with these issues and try to find some fairness.

Mr. LAHOOD. The gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, one thing that was somewhat surprising to me when I got up here, I thought that by being from Georgia, we are pretty close to sea level, we have the Okefinokee Swamp not too far from my district. I thought we were the only ones that had wetlands problems.

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Mr. CHAMBLISS. Mr. Speaker, I come up here and I find out that the gentleman from North Carolina says 60 percent of his district is; and Illinois has severe wetland problems; Idaho, North Dakota, all over this country folks have wetland problems, and it is a very expensive issue to deal with. It is one issue that we have got to provide relief to the agriculture community. It is one area that we can provide relief that will make them more efficient farmers and allow them to produce a crop at less cost, because we know that we are going to have less money to deal with as far as farm programs are concerned. It is one thing that we can do to make the agricultural community a better place to make a living.

We have numerous situations down in my area regarding fields where we have center pivot irrigations. When they go to make their complete circle, they have one area out here that the folks have come in from the Soil Conservation Service or the Corps of Engineers and said this is a wetlands and you cannot run your irrigation system over that area. What they have to do is to run that system for the 199 acres to this point, and bring it back around the other way to that point, and bring it back around, instead of going all the way through an area that is really just a low spot in a field, but yet it has been designated as wetlands.

It is just as frustrating as it can be to the American farmer to have to deal with those types of regulations. That is the type of regulations that we dealt with in our Contract With America, and that I am hoping will get through the Senate side over there so we will have something positive to take back home and say, folks, we know we have to change these programs. We know we have less money to deal with, but this is what we are doing to offset that and to make you a more efficient farmer and allow you to continue to make the same money you are making even though you will not have as much money from the Federal programs as what you may have had in the past.

Mr. JONES. Would the gentleman from Georgia yield for a moment?

Mr. LAHOOD. I am happy to yield to the gentleman from North Carolina.

Mr. JONES. Mr. Speaker, I would relate to the gentlemen from Georgia and Illinois a little story.

About 2 years ago a good friend of mine, who is the President of a community college in North Carolina, had a situation develop, because about 6 or 8 years ago the environmentalists come

down and designated or said that there are cockaded readheaded woodpeckers in a group of pie trees on this community college campus. In 1992-93, obviously, again, I am going back six years ago when they told the President of the college that you have this cockaded readheaded woodpecker, and some of us have trouble saying that, in some of your trees, well, the college was growing and they had determined that they needed to clear some land to put up a new school building on campus. They cut down pine trees.

This gentleman is a farmer by trade. Again, he is president of a community college. I do not know of anyone who cares more about family and land than this individual. It happened a nest of the cockaded readheaded woodpeckers in one tree was cut down, and I would advise the gentleman from Georgia and Illinois, that my friend was fined \$100,000 because that one tree went down with that nest in it. Again, that is why the people, not only farmers, but the people are looking for some fairness and balance in these rules and regulations.

That is just one example. I am sure you will have many more.

Mr. LAHOOD. Mr. Speaker, there are many other examples, I know, and I think, as we get into the farm bill, I think what the farmers from your part of the country and my part of the country want is fairness.

Many of the people in agriculture are for a balanced budget. They want it. They know that it will help them, and they know it will bring down interest rates, improve their ability to borrow the money to put their feed and seed into the ground, and so they are committed to that, but they want it to be fair and balanced. They want less regulation, they want less rules, they want less government intervention, and they want an export market.

If we can deliver on that through our farm bill, I think we will have done a great deal as the 104th Congress moves ahead and really tries to improve the idea that agriculture is important; that people work hard at it. They want to make a fair wage. They don't need a lot of government involvement, and that is what I am hearing from the folks in my district.

I am going to wrap up here.

Mr. CHAMBLISS. Would the gentleman from Illinois yield?

Mr. LAHOOD. I would be happy to yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, let me just mention one thing we have not really touched on, and I know there are a lot of folks out there looking tonight that really are like so many Members of Congress, and they have no concept of why you need farm programs. All they hear about are these farm subsidies. Let me just say that they are not really farm subsidies, they are investments in the economy of this country. The farm programs are investments in the U.S. agricultural industry.

For example, in the peanut industry, we have over 150,000 U.S. jobs that are directly related to the peanut industry. It generates over \$6 billion a year in the economy of this country. It generates some \$200 million in exports. That is just one small segment of the agricultural community.

Why we have these programs is that in order for our farmers to be able to compete on the world market against countries like France and like Spain, who so heavily subsidize their farmers, we have to put our farmers on somewhat of a level playing field.

Even though our programs do not put them there, we are still way below the subsidies that are paid in France and in Spain, but we are putting our farmers in a position where they can compete in the global market.

As we move into the post NAFTA and post GATT era, we have to do a better job of that, and I just wanted to mention that because I know there are a lot of people out there that just think that subsidies are bad and they ought not be paid to farmers and they do not understand why farm programs even exist, and I wanted to mention that.

Mr. LAHOOD. Mr. Speaker, I appreciate the gentleman from Georgia's contribution, and I would be happy to yield to the gentleman from North Carolina for any concluding remarks.

Mr. JONES. —I thank the gentleman from Illinois for yielding.

Mr. Speaker, just very quickly, I wanted to repeat one figure I shared early on. The USDA spends \$16 million to administer and oversee the tobacco program, which, again, is a no net cost program. That \$16 million, I would mention to the gentleman from Illinois and Georgia, brings back in the way of revenues \$25.9 billion. You gentlemen are very smart, good businessmen, do not know anywhere where you can invest \$16 million and you can bring back \$29.9 million? I would buy that opportunity every day.

Mr. LAHOOD. Mr. Speaker, that is a significant contribution.

Let me conclude by saying that we can reform farm programs to make them more accountable to taxpayers and program participants, but in doing so we must not take for granted the incredible success of American agriculture and the role prudent public policy has made to foster this success.

In conclusion, I want to mention that I have developed, like I know both of you gentleman have, a new respect for the men and women who till the soil, who work hard every day in terms of the crops that they grow. Since being elected to Congress, I have had several opportunities, as I know you have to meet the men and women who till the soil, and I have concluded that they love their way of life, are deeply proud of the country and the benefits it has bestowed on each of them, and ask for no compliments for feeding the world each and every day, but want, for their children, the ability to pass along the heritage and the fruits that they have

so richly worked for and who could ask for more than that.

I know each of you, as I do, commend those men and women who till the soil every day, and work hard every day, and make America the great country that it is, and provide the food and fiber for all Americans and many, many citizens in this country and around the world.

With that, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAMSTAD (at the request of Mr. ARMEY) for today, on account of illness.

Mr. BILBRAY (at the request of Mr. ARMEY) for today, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today after 6 p.m., on account of illness of spouse.

Mr. TORRES (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical illness.

Mr. JACOBS (at the request of Mr. GEPHARDT) for August 1 and 2, 1995, on account of dedication of U.S.S. *Indianapolis* Memorial in Indianapolis.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WARD, for 5 minutes, today.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day, today and July 25, 26, 27, and 28.

Mr. FOX of Pennsylvania, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost \$10,922.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. COLEMAN.

Mr. FROST.

Mr. MARKEY.

Mrs. MALONEY.

Mr. CLEMENT.

Ms. RIVERS.

Ms. NORTON.

Mr. SKELTON.

Mr. STUPAK.

Mr. STOKES.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. CAMP.

Mr. BURTON of Indiana.

Mr. NEY.

Mr. WELDON of Florida.

Mrs. ROUKEMA.

Mr. QUINN.

Mr. DEFAZIO, on H.R. 2002, in the Committee of the Whole today.

#### SENATE BILLS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 638. An act to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Resources.

S. 1023. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; to the Committees on Government Reform and Oversight and Transportation and Infrastructure.

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that the committee did on the following day present to the President, for his approval, bills of the House of the following title:

On July 21, 1995:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

#### ADJOURNMENT

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes

p.m.), under its previous order, the day, July 25, 1995, at 9 a.m. for morning House adjourned until tomorrow, Tuesday, July 26, 1995, at 10 a.m. for morning hour debates.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the U.S. House of Representatives during the second quarter of 1995 in connection with official foreign travel, pursuant to Public Law 95-384, are as follows:

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency <sup>2</sup>	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John L. Mica .....	4/19	4/20	Ireland .....		275.00	( <sup>3</sup> )					275.00
	4/20	4/24	Italy .....		1,226.00	( <sup>3</sup> )					1,226.00
	4/24	4/27	Israel .....		879.00	( <sup>3</sup> )					879.00
	4/27	4/29	Belgium .....		729.00	( <sup>3</sup> )					729.00
Committee total .....					3,109.00						3,109.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

BILL CLINGER,  
Chairman, July 14, 1995.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Tom Sawyer .....	4/19	4/20	Ireland .....		279.00		( <sup>3</sup> )				279.00
	4/20	4/24	Italy .....		1,226.00		( <sup>3</sup> )				1,226.00
	4/24	4/27	Israel .....		879.00		( <sup>3</sup> )				879.00
	4/27	4/28	Belgium .....		327.00		( <sup>3</sup> )				327.00
Commercial airfare .....		4/28	Belgium .....				2,074.15				2,074.15
Committee total .....					2,711.00		2,074.15				4,785.15

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

BILL GOODLING,  
Chairman, July 5, 1995.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
John Rayfield .....	4/10	4/20	Chile .....				1,934.95				1,934.95
Christopher G. Mann .....	4/10	4/20	Chile .....				1,934.95				1,934.95
David S. Whaley .....	5/28	6/4	Ireland .....		1,729.00		1,260.95				2,989.95
Committee total .....					1,729.00		5,130.85				6,859.85

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG,  
Chairman, July 7, 1995.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 927. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; with an amendment (Rept. 104-202, Pt. 1). Ordered to be printed.

Mr. HYDE. Committee on the Judiciary. H.R. 1528. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled *United States v. Western Electric*, Civil Action No. 82-0192, United States District Court for the

District of Columbia, and for other purposes; with an amendment (Rept. 104-203 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1555. A bill to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies; with an amendment (Rept. 104-204 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

## SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1528. The Committee on Commerce discharged. H.R. 1528 referred to the Committee of the Whole House on the State of the Union.

H.R. 1555. The Committee on the Judiciary discharged. H.R. 1555 referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 927. Referral to the Committees on Ways and Means, the Judiciary and Banking and Financial Services extended for a period ending not later than August 4, 1995.



H.R. 1528. Referral to the Committee on Commerce extended for a period ending not later than July 24, 1995.

H.R. 1555. Referral to the Committee on the Judiciary extended for a period ending not later than July 24, 1995.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. FOWLER (for herself, Mr. FOLEY, Mr. GOSS, Mrs. THURMAN, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. MICA, and Mr. PETERSON of Florida):

H.R. 2100. A bill to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mr. MARKEY, and Mr. HOYER):

H.R. 2101. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2102. A bill to amend subchapter II of chapter 73 of title 10, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable; to the Committee on National Security.

By Ms. NORTON (for herself and Mr. DAVIS):

H.R. 2103. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to place the budget of the District of Columbia courts on equal footing with other branches of the District government, to permit the severance of the salaries of local judges from the Federal compensation system, and to authorize multiyear contracts; to the Committee on Government Reform and Oversight.

By Mr. SMITH of New Jersey:

H.R. 2104. A bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors; to the Committee on the Judiciary.

By Mr. STUDDS:

H.R. 2105. A bill to restrict the closure of Coast Guard small boat stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ACKERMAN:

H. Con. Res. 86. Concurrent resolution commending the People's Republic of Bangladesh for its commitment to the principles of democracy, economic reform, and international peacekeeping; to the Committee on International Relations.

By Mr. MARKEY (for himself, Mr. SOLOMON, Mr. LANTOS, and Mr. PARKER):

H. Res. 200. Resolution expressing the sense of the House of Representatives regarding the Republic of Iraq's failure to comply with United Nations resolutions demanding improvements in the area of human rights and requiring the destruction, removal, and rendering harmless of all Iraq's biological, chemical, and nuclear weapons, and all ballistic missiles with a range greater than 150 kilometers; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. HERGER.  
H.R. 359: Mr. JONES and Mr. BASS.  
H.R. 427: Mr. FRANK of Massachusetts.  
H.R. 447: Mr. GUTIERREZ, Mr. ENGEL, and Mr. CLINGER.

H.R. 488: Mr. BAKER of Louisiana.  
H.R. 528: Mr. FRAZER.  
H.R. 625: Mrs. MALONEY, Mr. RADANOVICH, Mr. STUPAK, Mr. CLEMENT, and Ms. NORTON.  
H.R. 734: Mr. RAMSTAD and Mr. MCHUGH.  
H.R. 736: Mr. BILBRAY and Mr. PETRI.  
H.R. 783: Mr. WICKER.  
H.R. 789: Mr. DOOLITTLE.  
H.R. 862: Mr. LARGENT and Mr. STUMP.  
H.R. 868: Mr. BACHUS.  
H.R. 940: Mrs. COLLINS of Illinois.  
H.R. 995: Mr. DEAL of Georgia.  
H.R. 1021: Mr. BONIOR.  
H.R. 1023: Mr. SCOTT, Mr. PASTOR, and Mr. BONIOR.

H.R. 1073: Mr. MANTON, Mr. BROWN of Ohio, Mr. KLINK, Ms. ESHOO, Mr. BOUCHER, Mr. MURTHA, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. RICHARDSON, and Ms. MCKINNEY.

H.R. 1074: Mr. MANTON, Mr. BROWN of Ohio, Mr. KLINK, Ms. ESHOO, Mr. BOUCHER, Mr. MURTHA, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. RICHARDSON, and Ms. MCKINNEY.

H.R. 1083: Mr. KING and Mr. TAYLOR of North Carolina.

H.R. 1162: Mr. WHITE, Mr. SANFORD, Mr. MCINNIS, Mr. COBURN, Mrs. SMITH of Washington, Mr. FORBES, Mrs. MYRICK, and Mr. BLUTE.

H.R. 1212: Mr. WICKER.  
H.R. 1242: Mr. DUNCAN and Mr. ENSIGN.  
H.R. 1464: Mr. EHRLICH and Mr. REYNOLDS.  
H.R. 1499: Mr. GALLEGLY and Mr. GOODLATTE.

H.R. 1513: Mr. HALL of Texas.  
H.R. 1560: Mr. BARCIA of Michigan.  
H.R. 1610: Mr. KOLBE.  
H.R. 1713: Mr. WICKER.  
H.R. 1739: Mr. MCHUGH.  
H.R. 1744: Mr. GUNDERSON.

H.R. 1856: Ms. DUNN of Washington, Mr. BLUTE, and Mr. WALSH.

H.R. 1876: Ms. VELAZQUEZ, Ms. WOOLSEY, Mr. JACOBS, and Mr. PASTOR.

H.R. 1946: Mr. OXLEY, Mr. JONES, Mr. BACHUS, Mr. DAVIS, Mr. HOEKSTRA, Mr. HUNTER, and Mr. KINGSTON.

H.R. 1984: Mr. BAKER of Louisiana and Mr. GUTKNECHT.

H.R. 1993: Mr. RADANOVICH.  
H.R. 2024: Mr. TOWNS, Mr. PAXON, and Mr. GEJDENSON.

H.J. Res. 90: Mr. HUNTER.  
H. Con. Res. 63: Mr. SCARBOROUGH and Mrs. SMITH of Washington.

H. Res. 30: Mr. GIBBONS, Mr. WELDON of Florida, Mr. MCHUGH, Mr. SKAGGS, Mr. EWING, and Mrs. KELLY.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. ANDREWS

AMENDMENT No. 28: At the end of the bill, add the following new title:

### TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for planning or execution of the military airport program.

H.R. 2002

OFFERED BY: MR. COLEMAN

AMENDMENT No. 29: Page 53, strike lines 1 through 13.

Redesignate subsequent sections of title III of the bill accordingly.

H.R. 2002

OFFERED BY: MR. FOGLIETTA

AMENDMENT No. 30: Page 14, line 7, strike "\$60,000,000" and insert "\$195,000,000".

Page 25, line 24, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 25, line 25, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 26, line 3, insert after the dollar amount the following: "(increased by \$135,000,000)".

H.R. 2076

OFFERED BY: MR. ANDREWS

AMENDMENT No. 10: Page 76, strike lines 11 through 17.

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT No. 11: Page 17, line 2, before the period insert "Provided further, That \$8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the Immigration and Nationality Act".

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT No. 12: Page 59, line 9, strike "\$16,400,000" and insert "\$8,400,000".

Page 16, line 5, strike "\$1,421,481,000" and insert "\$1,429,481,000".

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT No. 13: Page 59, line 9, strike "\$16,400,000" and insert "\$8,400,000".

Page 16, line 5, strike "\$1,421,481,000" and insert "\$1,429,481,000".

Page 17, line 2, before the period insert "Provided further, That \$8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the Immigration and Nationality Act".

H.R. 2076

OFFERED BY: MR. CLINGER

AMENDMENT No. 14: Page 47, line 11, strike "\$3,000" and insert "\$2,250".

Page 47, line 12, strike "\$29,100,000" and insert "\$21,825,000".

H.R. 2076

OFFERED BY: MR. FARR

AMENDMENT No. 15: Page 44, line 4, strike "\$1,690,452,000" and insert "\$1,702,952,000".

Page 44, line 14, strike "\$1,687,452,000" and insert "\$1,699,952,000".

Page 51, line 4, strike "\$2,411,024,000" and insert "\$2,404,744,000".

Page 59, line 3, strike "\$363,276,000" and insert "\$357,026,000".

H.R. 2076

OFFERED BY: MR. HOYER

AMENDMENT No. 16: Page 25, line 13, strike "\$1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act" and insert "\$1,205,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 21201 of the 1994 Act; \$295,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT No. 17: Page 43, line 25, strike "386 commissioned officers" and insert "358 commissioned officers".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT No. 18: Page 45, lines 18 through 22, strike "for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and

modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration," and insert "for the National Oceanic and Atmospheric Administration for entering into contracts with private-sector parties or universities for (1) data collection and (2) the leasing or chartering of vessels."

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT No. 19: Page 45, line 23, strike "\$20,000,000" and insert "\$0".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT No. 20: On page 102, after line 20, insert before the short title the following new section:

"SEC. 609. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement the National Oceanic and Atmospheric Administration Fleet Replacement and Modernization Plan except to enter into service contracts with the private sector or universities for oceanographic research, fisheries research, and mapping and charting services."

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT No. 21: Page 102, after line 20, insert before the short title the following new section:

SEC. 609. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding, and Conversion" may be used for any activity other than entering into a contract with a private-sector party or a university for (1) data collection or (2) the leasing or chartering of a vessel.

H.R. 2076

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 22: Page 45, line 14, strike "\$42,731,000" and insert in lieu thereof "\$40,262,000".

Page 45, line 23, strike "\$20,000,000" and insert in lieu thereof "\$17,000,000".

H.R. 2076

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 23: Page 45, line 23, strike "\$20,000,000" and insert in lieu thereof "\$19,089,000".

H.R. 2076

OFFERED BY: MRS. LOWEY

AMENDMENT No. 24: On page 21, line 21, after the period, insert the following paragraph:

GRANTS TO COMBAT VIOLENCE AGAINST WOMEN

Additional assistance for grants of \$97,250,000, for the Grants to Combat Violence Against Women, as authorized by section 40121 of the 1994 act.

On page 60, line 19:

Strike "\$391,760,000" and insert "\$294,510,000"

H.R. 2076

OFFERED BY: MRS. LOWEY

AMENDMENT No. 25: On page 21, line 21, after the period, insert the following paragraph:

GRANTS TO COMBAT VIOLENCE AGAINST WOMEN

Additional assistance for grants of \$97,250,000, for the Grants to Combat Violence Against Women, as authorized by section 40121 of the 1994 act.

On page 60, line 19:

After "\$391,760,000" insert "(less \$97,250,000)"

H.R. 2076

OFFERED BY: MRS. MEYERS OF KANSAS

AMENDMENT No. 26: Page 97, line 8, strike "\$217,947,000" and insert "\$222,325,000".

Page 98, line 6, strike "\$97,000,000" and insert "\$92,622,000".

H.R. 2076

OFFERED BY: MR. MOLLOHAN

AMENDMENT No. 27: On page 24, line 6 strike, "\$2,000,000,000", and all that follows through "1995" on line 9, and insert the following:

"1,767,000,000 shall be for Public Safety and Community Policing Grants authorized by section 10003 of the 1994 Act; and \$233,000,000 shall be for carrying out the crime prevention programs authorized under sections 30202, 30307, 30702, 31904, 31921, 32101, 40102, and 50001 of the 1994 Act"

H.R. 2076

OFFERED BY: MRS. MORELLA

AMENDMENT No. 28: Page 52, line 21, after the dollar amount, insert the following: "(reduced by \$13,550,000)".

Page 99, after line 12, insert the following:

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713), \$13,550,000, to remain available until expended.

H.R. 2076

OFFERED BY: MRS. MORELLA

AMENDMENT No. 29: Page 99, after line 12, insert the following:

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the State Justice Institute, as authorized by section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713), \$13,550,000, to remain available until expended, to be derived from amounts provided in this Act for "Defender Services".

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT No. 30: On page 37, line 2, strike "\$328,500,000" and insert "\$35,198,000"

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT No. 31: On page 40, line 10, strike "\$19,709,000" and insert "\$19,043,000"

On page 40, strike line 21 and all that follows through page 41, line 24.

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT No. 32: On page 42, line 26, strike "\$81,100,000" and insert "\$7,167,000".

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT No. 33: On page 44, line 4, strike "\$1,690,452,000" and insert "\$1,670,452,000".

On page 44, line 14, strike "\$1,687,452,000" and insert "\$1,667,452,000".

On page 45, strike lines 16 through 23

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT No. 34: On page 47, line 6, strike "\$5,000,000" and insert "\$3,920,000".

H.R. 2076

OFFERED BY: MR. SCOTT

AMENDMENT No. 35: Page 24, line 6, strike "\$2,000,000,000" and insert "\$2,500,000,000".

Page 24, line 23, strike "\$500,000,000" and all that follows through page 25, line 3.

H.R. 2076

OFFERED BY: MR. SCOTT

AMENDMENT No. 36: Page 24, line 6, strike "\$2,000,000,000" and insert "\$2,300,000,000".

Page 24, line 23, strike "\$500,000,000" and all that follows through page 25, line 1, and insert "\$200,000,000".

H.R. 2076

OFFERED BY: MR. SERRANO

AMENDMENT No. 37: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for the Advisory Board for Cuba Broad casting under section 5 of the Radio Broadcasting to Cuba Act.

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT No. 38: Page 71, line 16, strike "\$341,000,000," and insert "\$329,000,000".

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT No. 39: Beginning on page 81, strike line 3 and all that follows through line 2 on page 95.

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT No. 40: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba.

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT No. 41: Page 24, line 7, after "Grants" insert "of such amount \$600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)".

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT No. 42: Page 24, line 9, after "1995" insert "of such amount \$600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)".

H.R. 2099

OFFERED BY: MR. DAVIS

AMENDMENT No. 1: Page 87, after line 25, insert the following new section:

SEC. 519. (a) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency shall cease any further hiring in the Agency's Office of Research and Development, and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level.

(b) REPORT.—Not later than January 1, 1996, the head of the Office of Research and Development of the Environmental Protection Agency shall submit to the Congress a report on all staffing plans including the use of Federal and contract employees.

H.R. 2099

OFFERED BY: MS. KAPTUR

AMENDMENT No. 2: Page 26, after line 13, insert the following new item:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901-11908), and for drug information clearinghouse services authorized by the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11921-11925), \$290,000,000, to remain available until expended.

Page 64, line 16, before the last comma insert "(reduced by \$34,500,000)".

H.R. 2099

OFFERED BY: MR. KLUG

AMENDMENT No. 3: Page 48, after line 25, insert the following new section:

**SEC. 211. DEMONSTRATION PROJECT FOR ELIMINATION OF TAKE-ONE-TAKE-ALL REQUIREMENT.**

In order to demonstrate the effects of eliminating the requirement under section

8(t) of the United States Housing Act of 1937, notwithstanding any assistance provided under any program under section 8 of such Act for the multifamily housing project consisting of the dwelling units located at 2401-2479 Sommerset Circle, in Madison, Wisconsin, or on behalf of residents in such project, section 8(t) of such Act shall not apply with respect to such project.



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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

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No. 120

## Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

*The Lord your God in your midst, the mighty One, will save; He will rejoice over you with gladness, He will quiet you in His love, He will rejoice over you with singing.—Zephaniah 3:17.*

Lord, we begin this new week with this promise from Zephaniah. It sounds in our souls and gives us courage. We claim that You are in our midst. Fill this Senate Chamber with Your glory. May we humbly trust You as the only sovereign Lord of our lives and of America.

Because Your strength is limitless, our inner wells need never be empty. Your strength is artesian, constantly surging up to give us exactly what we need in every moment. You give us supernatural thinking power beyond our IQ. You provide emotional equipoise when we are under pressure. You engender resoluteness in our wills and vision for our leadership, and You energize our bodies with physical resiliency.

Lord, quiet our turbulent hearts with Your unqualified, indefatigable love. Give us profound confidence, security, and peace. We have absolute trust in Your faithfulness and we commit ourselves to You anew. Tune our hearts to the frequency of Your inner voice. Give us the clarity we need to lead our Nation. In Your never-failing power, we humbly pray. Amen.

The PRESIDENT pro tempore. The able Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, while we are waiting, I thought I would clarify the procedure which brought us here by a series of parliamentary inquiries.

My first inquiry of the Chair is whether or not I am correct in stating that by unanimous consent S. 101 was to be brought up today; that it was to be divided into two bills that could stand independent of each other, the first one on lobbying disclosure, which corresponds to title I of S. 101, and the second bill, which would correspond to title II of S. 101 relating to gifts; and that that action has been taken by the clerk, the bill has been divided into two separate freestanding bills, S. 1060, which relates to lobbying disclosure, and S. 1061, which relates to gifts.

The PRESIDENT pro tempore. The Senator is correct.

Mr. LEVIN. I thank the Chair. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### LOBBYING REFORM

Mr. FORD. Mr. President, for several days in the last few weeks, we have attempted, as a bipartisan group, to develop an agreement, which we have been able to come close to on lobbying

reform, but not very close on the so-called gift ban.

One of the insistences we had from the other side was that we start at 9 o'clock this morning—that we start at 9 o'clock this morning. Here we are at 9:35, and we see no one here, and they are refusing to come, do not want Members to lay anything down, do not want Members to talk, unless we do it in morning business.

Now, Mr. President, it seems, if you are going to insist on something, you ought to be part of the agreement. We find that this is happening too much of the time. I do not like to be here at 9 o'clock on Monday morning any more than anyone else. We are here. We are prepared. We are ready. So, where is the other side?

Mr. President, I think it behooves all Members, if we are going to start, if we want to start, we ought to do it at the time we agreed upon. I have already had my cup of coffee, as I am sure the Presiding Officer has. He did his swims this morning, his pushups, and he is here ready to go, but we are sitting here.

My statement has brought both doors open on the other side. That delights this Senator very much. So, after 35 minutes of pleading that we want someone here to start debate, which was insisted upon, I hope that we can start and not force this side to come when the other side does not appear.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to start the debate in a positive

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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way. There have been a lot of conversations going back and forth by both Senators on both sides of the aisle, Senators interested in lobbying reform legislation and gift rule changes. I think we have made progress. I felt like everything was going in a positive way.

We did come in right at 9 o'clock. Ordinarily, there is at least a Senator or two waiting, ready to make some comment in morning business. This morning we did not have them. We have one key Senator who is going to need to be involved in this discussion, Senator MCCONNELL, who is on his way, I believe, from the airport. So I think it is important that we begin with an open and positive debate and that we not start making accusations.

I know that the Senator from Kentucky has been working very hard. He is here ready to go. I am ready to go. I suggest, Mr. President, that we go ahead and begin the debate, sort of set out the basic parameters of where we are and move forward. We may have some amendments that will need to be offered. Some will be agreed to, I am sure, on lobbying reform. Our hope is that we can have genuine reform.

Personally, this Senator feels we need to tighten up the rules with regard to lobbying disclosure. I have always said we should err on the side of disclosure. Now, what is included in that disclosure is very important. It is not just technical language.

We need to make sure that it does not chill the ability of individual citizens at the grassroots level to talk with their Senators or their Congressmen. It is applicable to both bodies. I think that the concerns that we had in that area last year have been addressed, and everybody feels now grassroots lobbying by individual citizens, certainly, would be allowed under this legislation.

We need also to make sure it does not just become a paperwork nightmare. We need reasonable, logical reporting. I think we are moving in that direction.

Mr. President, I suggest we go ahead and begin with opening statements. I am sure that the Senator from Michigan would like to make an opening statement. We will take it from there.

#### LOBBYING DISCLOSURE ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate proceeded with the consideration of the bill.

Mr. LEVIN. Mr. President, before I proceed, let me ask unanimous consent that Senator McCAIN be added as a cosponsor. I see he was inadvertently left off of S. 1060 and S. 1061. I ask he be added to both.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Let me say to the Senator from Mississippi, I, like him, hope that we can reach an agreement relative to lobby disclosure, particularly as there has been some progress made on lobbying disclosure. In conversations over the last few days, we have a way to go, but on this subject we have made some progress. That progress, I hope, will continue today so we can come up with a strong lobby disclosure bill.

This Senate approved overwhelmingly a lobby disclosure bill last year. It was an overwhelming vote. When the bill came back from conference, there were a few changes in it. Those changes were utilized by some Members of this body as the basis of opposition to the entire bill. There was dispute over the meaning of those changes. Some people said that those changes would chill grassroots lobbying and the opportunity for individual citizens to lobby their Members. There was no such intent, and we believe no such language.

That is last year's debate. In any event, this year's bill does not contain the language which was pointed to. That, by the way, was language which was added by the House of Representatives and in conference. As I remember, there was no objection to that language. That became sort of the lightning rod here.

Again, that language is not included in this version, just the way it was not in the version that last passed the Senate with, I think, over 90 votes in the last Congress. So, we are going to renew our effort here today to address one of the most intractable issues that has been faced by the Congress over the last 50 years, and that is to try to reform the loophole-plagued lobbying disclosure law.

The lobbying disclosure act was passed in 1946. It was called the Lobbying Regulation Act at that time. Within a few years, President Truman pointed out to the Congress that there were already so many loopholes in that bill, that Lobbying Regulation Act, that it, for all intents and purposes, needed reform by 1948. So the principal bill that governs the regulation of lobbyists, passed in 1946, was already, within 2 years, pretty useless, confusing, and in need of reform.

President Truman asked the Congress to do exactly that. They did not pay heed. If they had paid heed we would not be here today. That is almost 50 years ago that the President of the United States told the public and the Congress that the act they had passed to require the registration of paid, professional lobbyists, was not doing its job.

The purpose of that bill was to try to get folks who were paid to lobby Congress to disclose who is paying them, how much they are being paid, and to lobby Congress on what issue. That was the purpose of the act that was passed almost 50 years ago.

Then again, in the 1950's, there was an effort made to reform the Lobbying Registration Act. Senator McClellan spearheaded an effort to reform the lobbying registration laws because, again, by then there were so many holes in it there were more holes than there were cheese; there were more loopholes than there was law. But Congress did not heed Senator McClellan's call in the 1950's. If they had, we probably would not be here today.

In the 1960's, lobbying reform was taken up by the Senate, passed, but was not passed by the House of Representatives. If it had, maybe we would not be here today.

In 1976, lobbying reform was passed by both Houses of Congress but in different versions. They were not reconciled in conference. If Congress had acted in 1976, and they got close, we would not have to be here today.

Decade after decade, there has been an effort to close the loopholes in lobbying registration, to make sense of these laws, and they have failed.

In 1978, the Senate Governmental Affairs Committee was so divided over lobbying registration that it could not even report out a bill. Last year we came close, we came within a hair of passing both lobbying registration reform and a gift ban, but it got caught up in the last few days of the Congress, the bill was filibustered here and, as a result, was not passed.

A lot of different issues defeated lobbying reform over the last 4 decades. Sometimes it was the definition of lobbying. Sometimes it was whether or not the executive branch should be covered. Sometimes it was the threshold for coverage. Sometimes it was a question of disclosure of expenditures to stimulate grassroots lobbying or the disclosure of contributors to lobbying organizations. Decade after decade, reasons were given for why we could not reach agreement on lobbying reform and decade after decade it has been frustrated.

So it has been a long and a sad history, in terms of trying to reform laws whose purpose it is to put a little sunshine into the area of paid lobbyists. Senator COHEN and I sought to address these issues when we introduced S. 2276, in the 102d Congress. We reintroduced basically the same measure in the 103d Congress, and we got that bill through the Senate. That was S. 349. But then it fell a few votes short, as I said, when it came to the floor.

We are trying to address these issues again in S. 101, now in S. 1060, which has a few additional modifications, and I believe there will be some further modifications on the Senate floor today.

The right to petition government is a constitutionally protected right. Lobbying is as much a part of our governmental process today as on-the-record

rulemakings for public hearings. Lobbying is part of democratic government, an inherent part of it, a constitutionally protected part of constitutional and democratic government. But the public has a right to know, and the public should know, who is being paid to lobby, how much they are being paid, on what issue.

If we want the public to have confidence in our actions, this business has to be conducted more in the sunshine. Lobbying disclosure will enhance public confidence in government by ensuring that the public is aware of the efforts that are made by paid lobbyists to influence public policy. In some cases, such disclosure, perhaps, will encourage lobbyists and their clients to be sensitive to even the appearance of improper influence. In other cases, it is likely to alert other interested parties of the need to provide their own views in decisionmaking.

The lobbying disclosure laws that are on the books today are useless. In the 102d Congress, the Subcommittee on Oversight of Government Management, which I then chaired—Senator COHEN was then the ranking member of it; and our roles have been reversed now—our subcommittee held a series of hearings on the lobbying disclosure laws. We learned that these laws are plagued by massive loopholes, confusing provisions, and an almost total absence of guidance on how to comply with them. For example, the Federal Regulation of Lobbying Act, the basic lobbying registration law now on the books, to which I referred, the law that was passed in 1946, covers only lobbying of the Congress on matters of legislation, not lobbying of the executive branch. And that law has been interpreted to cover only those who spend the majority of their time in personal meetings with Members of Congress.

As you can see from that loophole, that is not going to cover many people right off the bat. The way it has been interpreted, this basic law, is that in order to be covered, you have to spend a majority of your time actually in personal meetings with Members. There are not too many people who spend the majority of their time in personal meetings with Members of Congress, probably including our own secretaries. So, if you spend time with staff under this interpretation, with staff of the Members of Congress—and that is where, most of the time, lobbyists spend their efforts—that does not even count under that interpretation of the lobbying registration.

There are many other loopholes that have been discovered in that basic act. As a result of these loopholes, the General Accounting Office found that fewer than 4,000 of the 13,500 individuals who are listed in the book "Washington Representatives" were registered under the act. That is less than a third.

Despite the fact that three-quarters of the unregistered representatives interviewed by the General Accounting Office said that they contact Members

of Congress and their staffs, that they deal with Federal legislation, and that they seek to influence actions of the Congress and the executive branch, the failure of these individuals, the organizations to register, does not mean that they are violating the law as it stands, because as it stands, again, there are more loopholes in this law than there is law.

The definition of lobbying is so narrow that few professional lobbyists are actually required to register under the laws that have been strictly interpreted. Moreover, most lobbyists who do register do not disclose anything to anybody which is of much use. The minority of lobbyists who do register tell us that they have incurred such expenses as a \$45 phone bill or a \$10 taxicab fare or \$16 in messenger fees. Others who decide to register provide lists of prorated expenditures for salaries, rent, and other expenses. There is no public purpose that is served by most of the disclosures that we currently get, but just from a minority of people who actually register and from a minority of people who lobby who take the time to register.

At the same time, we are getting a lot of useless information from the relatively few that do register. We are not getting the most basic type of information that was intended by the statute, which is the total amount that is being spent on lobbying and for what purpose.

The lobbyists are supposed to disclose their purpose. Many just simply state—those again who do register—that they lobby on "issues that affect business operations of the client" or "general legislative matters," or "all legislation affecting the industry that they represent."

That language is so general that it does not reveal anything. Worse still, only a small amount of the money that is spent on lobbying actually gets disclosed. For instance, in 1989, the *Legal Times* estimated the gross lobbying revenue of 10 of the biggest and best known Washington lobbying firms, and they estimated that revenue to be \$60 million. However, a review of the lobbying reports that were filed by those 10 firms revealed that they reported combined lobbying receipts from all clients of less than \$2 million.

By the way, they also reflect total expenditures of \$35,000. Just to show you how distorted, how absurd, how useless these documents are where we do have people who register, we have three figures to keep in mind in that survey. This is a 1989 survey of the *Legal Times* estimate of the revenue of the 10 top firms of \$60 million. When you look at their disclosure forms, they disclose revenue of \$2 million and expenditures of \$35,000.

So what is disclosed is perhaps 3 to 4 percent of the revenue coming in in terms of revenue, and what is disclosed in terms of expenditure is a fraction of a percent of the money which is being received.

Another study was made. This time, six top defense contractors reported to the Department of Defense that they spent a combined total of almost \$8 million lobbying Congress in 1989. By comparison, when you look at the report filed by the six for the same six companies under the Lobbying Regulation Act, there was a total of less than \$400,000 in lobbying income.

So the contractors reported \$8 million in lobbying expenses but their lobbyists disclosed a total of \$388,000 in terms of their revenue. That is a total disconnect between what contractors report to the Department of Defense that they are spending on lobbying and what their lobbyists disclose in terms of their receipts from those same six contractors.

Our existing lobbying laws have been characterized by the Department of Justice as "inadequate" and "unenforceable," in effect. Those are their words, and that is charitable. The lobbying laws are a joke, and they are a bad joke, and they are a bad joke for everybody who is involved—first and foremost for the public, but they are also a bad joke for the lobbying community themselves.

The current laws breed disrespect for the law because they are so widely ignored. They have been a sham and a shambles since they were first enacted 50 years ago. At this time the American public is so skeptical that their Government really belongs to them. Our lobbying registration laws leave more lobbyists unregistered than registered.

Our subcommittee studied this subject in some detail. In 1993, we filed a report that I want to quote from because it contains in some detail the problems with lobbying disclosure laws and will give us a necessary understanding of what the problem is.

There are four major lobbying disclosure statutes currently in effect. Here I am quoting from the Lobbying Disclosure Act of 1993, the Report of the Committee on Governmental Affairs, that was filed on April 1, 1993.

There are four major lobbying disclosure laws currently in effect:

The Federal Regulation of Lobbying Act, the Foreign Agents Registration Act.

That is called FARA.

And two provisions included in the HUD Reform Act applicable to the Department of Housing and Urban Development, and the Farmers Home Administration, and section 1352 of Title 31 of the so-called FARA amendment. At least two other statutes that require registration of lobbyists are included in the Public Utility Holding Company Act and the Federal Energy Regulatory Commission Act.

Each of these statutes, the four basic statutes, imposes a different set of disclosure requirements on a specific or on a specified group of lobbyists. Because the coverage overlaps—some lobbyists may have to register under two or even three different statutes because each of the statutes excludes major segments of the lobbying community

from coverage—many professional lobbyists do not register at all. As President Clinton stated in his book "Putting People First," we need legislation to "toughen and streamline lobbying disclosure."

First, the Lobbying Regulation Act—and I am continuing to quote from a portion of this report because it, again, identifies what the specific problems are with the current laws and will set the framework, I think, for our debate today.

The Federal Regulation of Lobbying Act enacted in 1946 requires registration by any person who is engaged for pay for the "principal purpose" of attempting to influence the passage or defeat of legislation in the Congress. A covered lobbyist is required to disclose his or her name and address, the name and address of the person by whom he or she is employed, and in whose interest he or she works, how much he or she is paid and by whom, who all of his or her contributors are, and how much they have given, an account of all money received and expended, to whom paid and for what purposes, the names of any publications in which he or she caused articles or editorials to be published, and the particular legislation that he or she has been hired to support or oppose, lobby registration forms are required to be filed with the clerk of the House and the Secretary of the Senate prior to engaging in lobbying and updated in the first 10 days of each calendar quarter so long as lobbying activity continues. Violation of the act is a misdemeanor, punishable by a fine of up to \$5,000 or a sentence of up to 12 months. Any person convicted of this offense is prohibited from lobbying for 3 years.

The report continues, and again we are talking about the current law:

A 1986 Governmental Affairs Committee report on lobbying disclosure indicates that the lobbying act was a hastily considered law which was subject to no hearing, little committee consideration, and almost no floor debate.

And that 1986 Governmental Affairs Committee, quoted in this report, said the following:

As the staff director of the joint committee later conceded, the lobbying act was less than precisely drafted legislation. Questions arose immediately about who was covered under its definitional standards, the extent of its reporting requirements and liability under its criminal enforcement provision. Rather than settling the issue of lobbyist influence, the act served only to make things more confusing. Witnesses testified that the act was in many respects an unsatisfactory law; that its effectiveness was limited and that the provisions are in urgent need of strengthening and revision if the objectives of the framers are to be fully realized. Over the last 40 years, there have been numerous unsuccessful attempts to address problems in the lobbying act.

Now, the committee report first looks at the question of coverage of the act, and I continue to quote from this report:

The Lobbying Regulation Act covers any person who is engaged for pay for the principal purpose of attempting to influence the passage or defeat of legislation in the Congress. In *United States v. Harris*, in 1954, the Supreme Court ruled that a narrow construction of the act was required to avoid unconstitutional vagueness. There are several gaps in the coverage of the lobbying act as construed in the *Harris* case.

These include the following:

1. The act applies only to lobbying of legislative branch officials, not to lobbying of executive branch officials.

2. It covers only efforts to influence the passage or defeat of legislation in Congress, not other activities with members and staff.

3. It has been interpreted by many to cover only efforts to lobby Members of Congress directly, not efforts to lobby congressional staff.

4. It covers only persons whose principal purpose is lobbying. This language has been interpreted by many to mean that the act applies only to people who spend a majority of their time lobbying.

The report continues:

Taken together, these gaps in the coverage of the act could mean that only a lobbyist who spends a majority of his or her working time in direct contact with Members of Congress is actually required to register. For this reason, it is not surprising that many lobbyists view registration as voluntary.

Not as compulsory.

As a result, it appears that a significant number of people who engage in activities that the general public would view as lobbying do not register at all and probably are not required to do so. For example, the General Accounting Office found that almost 10,000 of the 13,500 individuals and organizations listed in the book "Washington Representatives" were not registered under the Lobbying Regulation Act. GAO interviewed a small sample of the unregistered Washington representatives listed and found that three-quarters contacting Members of Congress and congressional staff deal with Federal legislation and seek to influence actions of either Congress or the executive branch.

The report continues:

The rate of registration by nonprofit organizations that engage in lobbying activities does not appear to be much better. For example, the committee reviewed the lobbying registrations of 18 nonprofit organizations that reported legislative expenses in excess of \$300,000 each to the Internal Revenue Service in tax year 1991 and found that half of these organizations did not have even a single active registered lobbyist in that year. The failure of these organizations and individuals to register does not mean that they are violating the law as it is written today. What it does mean is that the definition of lobbying in the Lobbying Regulation Act is so narrow and full of loopholes that few people are actually required to register.

The next issue which is addressed by this report relates to information disclosed.

The lobbying act requires "a detailed report under oath of all money received and expended by a lobbyist" during each calendar quarter, to whom it is paid and for what purpose. The forms expand upon this requirement by requiring reporting of specific line items of an organization's expenditures such as printed or duplicated matter, office overhead, rent, supplies, utilities, etc., telephone and telegraph, travel, food, lodging and entertainment, wages, salaries, fees and commissions, public relations and advertising. Each lobbyist is required to attach an addendum to his or her disclosure statement listing the recipient, date and amount of each such expenditure. Lobbyists who comply with this requirement file sheets of paper listing expenditures such as \$45 phone bills, a \$6 cab fee, a \$16 messenger fee and prorated salaries, in one case for \$1.31. In addition, some lobbyists provide lists of restaurants where they have paid for lunch.

Continuing to quote from this report—and in this case the quote of a statement that I made during the subcommittee hearing:

"The people who did register are giving us information which in many cases is utterly irrelevant. Here is one with a telephone bill, \$98.65. Underneath that, taxi fares, zero. Why? Various carriers, no single expenditure of \$10 or more. Another firm is trying to prorate salaries for us to show how they are apportioned to cover activities. Here is a salary for a young man named Graves. His prorated salary, \$6.50. Someone named Young, \$3.38. Someone named Horton, we are told, the United States Government is told a man named Horton was paid \$1.31 in relation to lobbying activities. Just a flood of irrelevant information pours in to us. Something is basically wrong."

And now quoting from the report again:

The disclosure record of nonprofit organizations engaging in lobbying does not appear to be much better than that of for-profit lobbying firms. The committee reviewed the lobbying registrations filed by 5 nonprofit organizations that reported nearly \$5 million in lobbying income to the Internal Revenue Service in the year 1991 and found that while some of these organizations filed detailed reports under the Lobbying Regulation Act, they reported barely \$200,000 in total lobbying expenditures to the Congress.

There appear to be two basic reasons for these low levels of reported expenses.

1. Despite the requirements of the Lobbying Regulations Act, many lobbyists do not appear to report income or expenses at all. At the request of the subcommittee, the General Accounting Office reviewed more than 1,000 lobbying reports filed in 1989 and learned that few lobbyists actually comply with the disclosure requirements. The GAO found that fewer than 20 percent of the lobbyists included the required attachments detailing expenditures. Almost 90 percent reported no expenditures for wages, salaries, fees or commissions, more than 95 percent reported no expenditures for public relations and advertising services, and more than 60 percent of the lobbyists reported no expenditures at all during the period covered.

2. The narrow definition of "lobbying" as it is used in the act means that disclosure and full compliance with the law simply is not very revealing. Since the Lobbying Regulation Act is generally considered to cover only meetings with Members of Congress, many lobbyists disclose only income and expenses directly associated with such meetings. For example, suppose that a lobbyist received \$1 million from a client for 5,000 hours of work at \$200 per hour.

If the 5,000 hours of work included only 10 hours of direct meetings with Members of Congress, many lobbyists would report only \$2,000 in income—

That is of the million dollars that they actually got.

even if the rest of the time was spent preparing for such meetings and additional meetings with staff.

There are similar problems with the disclosure of the lobbyist activities or objectives. The registration forms require each lobbyist to "state the general legislative interest" to the person filing and set forth the legislative interest by citing short titles of statutes and bills, House and Senate number of bills where known, citations of statutes where known, whether for or against such statutes and bills.

While many lobbyists provide lists of specific bills of interest in each quarterly reporting period, others provide description of



their interest that are so general that they reveal virtually nothing. Like "all operations in Congress that affect operations of the client"; like "general legislative interest"; like "matters pertaining to defense and military legislation"; like "all legislation affecting the insurance industry"; like "all legislation affecting the railroad industry."

Overall, the General Accounting Office found that only 32 percent of the reports that they reviewed stated titles and numbers of statutes and bills that were subject to lobbying as required by the statute.

Now, a third problem that is described in this report with the current basic statute that covers the operation of lobbyists. Before I go on to that, I want to just repeat how useless some of this information is that we currently require, how the current laws perform a disservice to the country because they do not disclose what is intended to be disclosed, but how they also are useless and burdensome to the people who we need to disclose information.

How in the name of Heaven is it of any use when we are told that somebody named Graves as a pro rata expenditure of his salary was paid \$6.56; someone named Young was paid \$3.38 as a pro rata part of his salary to lobby Members of Congress on some issue. Someone is sitting there typing up these forms that are filed, which tell us absolutely nothing of value. Somebody has to divide someone's salary of how many minutes that person spent with a Member of Congress and figure out that person named Young had \$3.38 of his salary pro rated to some meeting with the Senator from Michigan or the Senator from Mississippi.

Someone named Horton was paid \$1.31, we are told in some form. This is the fault of the laws that we have kept on the books for 50 years. The minority of professional lobbyists who file disclosures are giving us that information, which is what they feel they are required to give us, which takes time to prepare and which is utterly useless information. These laws are a disservice to everybody and they have to be reformed.

This has been going on 50 years; 50 years this sham has been going on. We have tried to repair it, we have tried to reform it, we have tried to correct it, but we have failed for five decades, for one reason or another. And I am hopeful that finally today we are going to be able to pass something in the Senate which we can call true reform which is going to finally tell us in a useful way—everybody that has paid money to lobby is going to tell us what the total amount is that they are paid in useful form and on what issues they are lobbying Congress or the executive branch.

Obviously, we are leaving off people who are paying small amounts of money. I think \$10,000 is going to be the threshold that we are going to use in a 6-month period. But where you pay a professional lobbyist more than that amount of money, at that point, we are going to trigger some useful information under our bill rather than to keep

on the books these utterly useless laws which breed disrespect for the law in general and, where they are followed, provide the country with utterly useless information which nobody can understand or put into a useful form.

As we said at the subcommittee hearing, this is a pretty dismal picture of a law that is not functioning as a law, that has been festering on the books too long. We either ought to clean it up, make it relevant, or get rid of it, and that seems to me to be the alternative.

The second major act which applies to lobbyists is the Foreign Agents Registration Act. Again, quoting from the committee report:

This act was passed in 1938. As the Supreme Court explained in 1943, FARA was a new type of legislation adopted in the critical period before the outbreak of the war. The general purpose of the legislation was to identify agents of foreign principals who might engage in subversive acts or spreading foreign propaganda and to require them to make public record of the nature of their employment.

The committee report continues:

In 1966, in response to overly aggressive lobbying by foreign sugar companies, FARA was amended to cover a broader range of foreign activities and interests. Since that time, the focus of the act has shifted from the regulation of subversive activities to the disclosure of lobbying on behalf of foreign business interests. FARA requires any person who becomes an "agent of a foreign principal" to register with the Attorney General within 10 days thereafter. The term "agent of a foreign principal" includes, subject to certain exemption, any person who engages in political activities on behalf of a foreign government, political party, individual corporation, partnership, association or organization.

Each FARA registration statement must include, among other information, a comprehensive statement of the registrant's business, a complete list of employees and the nature of the work that they perform, the name and address of every foreign principal for whom the registrant is acting, the nature of the business of each foreign principal and the ownership and control of each and copies of each agreement with a foreign principal.

The report continues:

In addition, each registrant is required to file a supplemental disclosure statement every 6 months updating its registration and detailing all past and proposed activity on behalf of foreign principals. Supplemental statements are required to include, among other information, a detailed accounting of income and expenses and a list of all meetings with Federal officials on behalf of foreign principals.

First, the report looks at the coverage of FARA. FARA requires any person who acts "as an agent of a foreign principal" to register with the Attorney General and disclose his or her activities. However, broad exemptions to FARA's registration requirements appear to have resulted in spotty disclosure of foreign lobbying activities. The two most frequently cited exemptions apply to: First the practice of law in formal or informal proceedings before U.S. courts and agencies, and second, activities on behalf of a foreign-

owned company in the United States that are in furtherance of bona fide commercial, industrial or financial interest of the U.S. company.

Now, the lawyers exemption. The so-called lawyers exemption to FARA exempts attorneys who provide legal representation to foreign principals in the course of established agency proceedings, whether formal or informal. This exemption was adopted because the Congress determined that disclosure under FARA serves no useful purpose in legal proceedings where full disclosure of the agent status and identity of his or her client is required. Because terms such as "legal representation in established procedures" are not defined in the statute or the implementing regulations, the applicability of this exemption has been left to case-by-case determinations by the Justice Department and by respective registrants themselves.

The Justice Department stated that the lawyers exemption applies only to services that can only be performed by an attorney and only in proceedings established pursuant to either statute or regulation. A letter from the Justice Department stated that "The proceeding must be one established by the agency questioned pursuant either to statute or regulation." The Department interprets legal representation to include those services which could only be performed by a person within the practice by law—practicing law. However, the Justice Department was not able to identify any written guidance or other public documents which reflect its present interpretation of this issue.

Now, perhaps for this reason, the Justice Department's interpretation of the lawyers exemption does not appear to be widely known or followed by attorneys who represent foreign clients. Interviews by subcommittee staff reveal that some attorneys take the view that the lawyers exemption applies only in cases where there is a docketed case with formal appearances entered, while others believe that virtually any service that they provide falls within the exemption, even when they have extensive contacts with executive branch officials on a regulatory issue of broad impact. Experts on the statute generally agree that the scope of the exemption is not clear.

Mr. President, at this time, I ask unanimous consent that some additional pages from the committee report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*b. The "Domestic Subsidiaries" Exemption*

The "domestic subsidiaries" exemption to FARA excludes from coverage any activities in the bona fide commercial, industrial or financial interests of a domestic company engaged in substantial operations in the United States, even if the company is foreign-owned and the activities also benefit the foreign parent corporation. Again, little formal guidance on the application of this exemption is available.

The Justice Department's letter to the Subcommittee states that the primary test for the applicability of the domestic subsidiaries exemption is "whether the presence of the domestic person is real or ephemeral, in short, whether the domestic person is a viable working entity or a so-called 'front' or 'shell'." However, the Justice Department letter also states that the domestic subsidiaries exemption does not apply when a local subsidiary is making efforts to expand the U.S. market for foreign goods. In particular, the letter cites as definitive a passage in the legislative history which states that—

[w]here \* \* \* the local subsidiary is concerned with U.S. legislation enlarging the U.S. market for goods produced in the country where the foreign parent is located \* \* \* the predominant interest is foreign."

The Justice Department interpretation has not been memorialized in published guidance and does not appear to be widely known or followed by representatives of foreign principals. Some take the position that this exemption applies to any lobbying activity on behalf of domestic subsidiaries of foreign corporations. Others believe that the issue is whether the parent corporation "controls" the subsidiary in such a way that it can be seen as controlling the lobbying. A third category of lobbyists argue that the exemption applies only to "commercial" matters such as contract awards and landing rights determinations.

The widespread confusion over the proper application of FARA exemptions and the lack of clear written guidance from the Justice Department has left broad latitude for individual representatives of foreign principals to reach their own conclusions as to whether registration is required. As one lobbyist who is registered under FARA explained:

"I can argue the commercial exemption for subsidiaries almost any way \* \* \*. I think it is entirely up to the judgment of the registrant, or potential registrant."

The result is spotty disclosure, and in some cases no disclosure at all, of significant lobbying activities.

For example, the Subcommittee on Oversight of Government Management reviewed a heavily lobbied 1989 effort to overturn a decision by the Customs Service regarding the tariff classification of imported jeeps and vans. Although this issue was of great importance to foreign manufacturers of sport utility vehicles and exclusively involved the treatment of imports, almost none of the lobbying activity in this case was disclosed under the Foreign Agents Registration Act.

Of the 48 people identified as lobbying Customs and/or Treasury on behalf of those who opposed the Custom decision, only six were registered under FARA. Three of the six who were registered worked for a single firm and were covered by a single registration; almost all stated that they registered out of an abundance of caution and probably were not required to do so. The reason for this non-disclosure is that virtually all lobbying against the Customs decision was viewed as exempt from coverage under FARA pursuant to either the lawyers' exemption or the domestic subsidiaries' exemption. Consequently, only a small fraction of the lobbying activities conducted on behalf of foreign companies were disclosed under FARA.

## 2. Disclosure Requirements

Each FARA registration statement must include, among other information, a comprehensive statement of the registrant's business, a complete list of employees and the nature of the work they perform; the name and address of every foreign principal for whom the registrant is acting; the nature of the business of each foreign principal and

the ownership and control of each; and copies of each agreement with a foreign principal.

In addition, each registrant is required to file a supplement disclosure statement every six months, updating its registration and detailing all past and proposed activity on behalf of foreign principals. Like the Lobbying Regulation Act, FARA required detailed accounting of expenses such as cab fares, copying, and telexing. In addition, and unlike the Lobby Regulation Act, FARA requires a complete listing of each federal official with whom the registrant has met during the reporting period.

The Justice Department interprets FARA's disclosure provisions to require that registrants detail even activities unrelated to their registrations—such as providing advice or legal representation on matters that would not otherwise require registration. This means that engaging in even a single "registrable" activity exposes the entire scope of a registrant's activities to public disclosure requirements.

As a Justice Department representative explained at the Subcommittee's hearing—

"Senator LEVIN. So if you have one contact with a Government official and have to register, you then have to disclose everything that you do for that principal even though all those other activities would not cause you to have to register \* \* \*?"

"Mr. CLARKSON. If you have one contact that is of a registrable nature, yes, you would have to register and then you would disclose your activities."

"Senator LEVIN. [Then] you agree with the interpretation that you have to disclose all hundred [activities] even though only one of them required you to register?"

"Mr. CLARKSON. We not only agree with it, that has been our practice. I have no problem with that."

Perhaps because the FARA disclosure requirements are so extensive, the General Accounting Office has found that half of the registered foreign agents do not fully disclose their activities on behalf of foreign principals and more than half fail to meet statutory filing deadlines. The deficiencies identified by GAO included conflicting responses to questions, failures to list contacts with government officials, failures to disclose finances, and failures to include supplemental statements as required.

## 3. The Administration of the Statute

The Department of Justice enforces FARA largely by sending letters and making phone calls to registrants and potential registrants. The chief of the Department's Registration Unit estimates that about seven or eight formal notices of deficiency were sent out from 1988 to 1991. This compares to 62 deficiency notices sent out by the Department over a similar three-year period in the early 1970's.

The Department has both criminal and civil injunctive enforcement authority under the statute. However, the statute does not authorize either civil monetary penalties or administrative fines. As a result, a few court cases, either civil or criminal, have ever been initiated under the Act. The Justice Department initiated about ten cases in the 1970's, but did not file any in the 1980's.

The Registration Unit also conducts inspections to review the files of registrants and make sure that they have accurately disclosed their activities. Inspections are conducted on a nonconfrontational basis: they are always announced in advance, and some registrants are given an opportunity to amend their filings prior to the inspection.

In 1989, the Registration Unit conducted 14 inspections; in 1990, only four inspections were conducted. These numbers are down

substantially from the mid-seventies, when the Unit conducted 166 inspections in a period of a year and a half and announced its intention to inspect every registered foreign agent within a period of three years.

Six of the inspections conducted in 1989 and 1990 were of lawyer-lobbyists or other firms engaged in lobbying-type activities. Several of these inspections identified significant deficiencies in the lobbyists' registrations. For example, one inspection report indicates that the registrant had routinely filed disclosure statements which noted only that the firm provided "legal representation" for its numerous foreign principals. The registrant failed to indicate that it was involved in extensive lobbying activities, or to disclose the numerous federal officials who were contacted in connection with these activities.

In a second case, a registrant failed to disclose meetings with dozens of federal officials, despite the fact that these meetings were listed in its client billing documents. The undisclosed contacts included meetings with the Secretary of Commerce, the Deputy Attorney General, the Deputy Secretary of Defense, the Deputy Secretary of State, the U.S. Trade Representative, and several Members of Congress. The registrant also failed to disclose almost \$200,000 in income and expenses on behalf of its foreign principals.

In neither of these cases did the Department of Justice seek to sanction the registrant. In each case, the registrant was simply asked to amend its registration statement to provide the missing details.

By contrast, other inspection reports identify dozens of so-called deficiencies that are of questionable significance at best. For example, one report indicates that the registrant accurately identified dozens of meetings with federal officials, but failed to report such activities as suggesting themes for a visiting foreign leader to address in a speech to the U.N. and sending a thank-you note to a federal official after a meeting (the meeting itself was disclosed). The remedy in this case was the same as in the case of the firm that failed to disclose meetings with the Deputy Secretaries of State and Defense: the registrant was required to amend its registration statements.

While those who register under the Act are subject to routine Justice Department inspection of their books and records, those who do not register are not subject to any review of their records short of a criminal investigation. In one instance reviewed by the staff, an attorney for leaders of the Cali (Colombian) drug cartel was reported to have lobbied the Senate Foreign Relations Committee staff and State Department officials, proposing amendments to international treaties that would make it harder to extradite foreign drug kingpins to the United States—without registering under FARA.

When the Justice Department's Registration Unit inquired as to why the attorney had not registered, the attorney told them that he had engaged in lobbying activities in his personal capacity, out of general interest in the treaties, and not in his capacity as an attorney for cartel members. Because the Justice Department did not have the authority to investigate further without initiating a criminal case, it did not inquire further into the matter.

In short, the incentive for representatives of foreign interests to avoid the burdens of registration under FARA is exacerbated by the Justice Department's apparent inability to investigate those who are not registered. While those who register under the Act are required to make extensive disclosure of all registrable and unregistrable activity and are subject to Justice Department inspection

of their books and records to verify the information disclosed, those who do not register are not subject to any review of their records short of a criminal investigation.

As Senator Cohen concluded at the Subcommittee hearings on FARA, the statute is plagued with problems:

"The broad exemptions contained in the Act appear to permit significant lobbying efforts on behalf of foreign companies to go undisclosed \* \* \*. There appears to be genuine wide-spread confusion and disagreement concerning the breadth of these exemptions \* \* \*. There is also considerable confusion and an absence of specific guidance as to what information is required to be disclosed by those agents who do in fact register \* \* \*. There may also have been instances where the Department of Justice has failed to impose sanctions in cases of serious violations, while at the same time devoting significant department resources to require agents to amend their statements to include minor and irrelevant facts."

#### C. THE BYRD AMENDMENT AND THE HUD DISCLOSURE LAWS

The Byrd Amendment, which was enacted in October 1989 as a part of an Interior Appropriations bill, is codified at 31 U.S.C. 1352.

The Byrd Amendment prohibits the expenditure of appropriated funds to influence the award of a contract, grant, or loan. Subject to certain exceptions, any payment for such lobbying out of non-appropriated funds must be disclosed by the recipient of the contract, grant, or loan. The recipient is required to disclose the name and address of each person paid to influence the award, the amount of the payment, and the activity for which the person was paid. Regulations implementing the Byrd Amendment require the disclosure of each contact made with a federal official to influence the award of the contract, grant, or loan.

This disclosure must be filed with the awarding agency at the time the contract, grant, or loan is requested or received. Each agency head is required to compile the information collected and submit it to the Secretary of the Senate and the Clerk of the House twice a year, on May 31 and November 30. Failure to file a disclosure form is subject to a civil penalty of \$10,000 to \$100,000, to be levied under the procedures of the Program Fraud Civil Remedies Act.

Section 112, of the HUD Reform Act, which was enacted in December 1989, two months after the Byrd Amendment, is codified at 42 U.S.C. 3537b. This provision, like the Byrd Amendment, imposes disclosure requirements on people who make expenditures to influence the decisions of HUD employees with respect to the award of contracts, grants, or loans. Section 112 goes beyond the Byrd Amendment by covering any other HUD management actions that affect the conditions or status of HUD assistance, and by requiring disclosure by lobbyists as well as clients.

Section 112 required disclosure of the income and expenses of lobbyists, to whom the money was paid, and for what purposes. Section 112, unlike the Byrd Amendment, does not require the disclosure of specific contacts with federal officials. Knowing failures to disclose under the HUD law are subject to civil monetary penalties of up to \$10,000 or the amount of the payment to the consultant, whichever is greater. Any person on whom a civil monetary penalty is imposed is barred from receiving any payment in connection with an application for HUD contracts, grants or loans for a period of three years.

Section 401 of the HUD Reform Act, codified at 42 U.S.C. 1490p, creates a slightly different set of disclosure requirements for per-

sons attempting to influence financial assistance awarded by the Farmers Home Administration. Under Section 401, lobbyists are required to register and disclose their name and address, the nature and duration of any previous federal employment, and the name of their clients. They are then required to file, on a quarterly basis, a detailed report of all money received and expended, persons to whom payments were made, and any contacts with federal employees for the purpose of attempting to influence any award or allocation of assistance.

The penalties for violating Section 401 include the rescission of the assistance, the debarment of the violator, and a civil penalty of up to \$100,000 in the case of an individual or \$1,000,000 in the case of an applicant other than an individual. Despite these strong penalties, the provision is so little known that the Department of Agriculture failed to identify it in response to a CRS request to identify any statute requiring persons representing private interests before the Department to register or otherwise disclose their lobbying activities and or contacts with agency officials.

The Byrd Amendment and the HUD disclosure provisions were enacted in response to scandals at the Department of Housing and Urban Development. According to published reports, top HUD officials in the Reagan administration awarded large discretionary grants to developer who retained well-connected and favored consultants as lobbyists. At House hearings on the scandal in 1989, one of these lobbyists agreed that the work he did could be described as "influence peddling".

Mr. LEVIN. Mr. President, the Lobbying Disclosure Act of 1995—this is the bill in front of us today—will end the chaos, close the loopholes, and fix the badly broken current system.

The bill before us today will ensure that we finally know who is paying, how much, to whom, to lobby Congress and the executive branch.

This bill would cover all professional lobbyists, whether they are lawyers or nonlawyers, in-house or independent, whether they lobby Congress or the executive branch, or whether their clients are for-profit or nonprofit. The bill is not intended to, and should not, create any significant new paperwork burdens on the private sector. Indeed, it would significantly streamline lobbying disclosure requirements by consolidating filing in a single form and in a single location, instead of the multiple filings that are required under current laws. Our bill would replace quarterly reports with semiannual reports. It would authorize the development of computer filing systems and simplify forms.

Our bill would substantially reduce paperwork burdens associated with lobbying registration by requiring a single registration by each organization whose employees lobby, instead of separate registration by each employee lobbyist. The names of the employee lobbyists, and any high-ranking Government position in which they served the previous 2 years, would simply be listed in the employer's registration form. Our bill would simplify reporting of receipts and expenditures by substituting estimates of the total, bottom-line lobbying income by category

of dollar value, like the forms that Members of Congress use for disclosure.

They would substitute those estimates for the current requirement to provide 29 separate lines of financial information, with supporting data—most of it meaningless. To further ensure that the statute will not needlessly impose new burdens on the private sector, the bill includes specific provisions allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code to use the same data collected for the IRS for our disclosure purposes as well.

The bill also includes de minimis rules to ensure that small organizations and other entities located outside Washington will be exempt from registration, even if their employees make occasional contacts. As the bill is written, it would exempt from registration any individual who spends less than 10 percent of his or her time on lobbying activities and any organization whose lobbying expenditures do not exceed \$5,000 in a semiannual period.

We intend to offer an amendment to increase those thresholds to 20 percent and \$10,000 respectively, to ensure that we do not place unreasonable burdens on individuals and organizations that are not professional lobbyists.

In short, we have exempted small organizations from registration requirements, as long as those paid lobbying activities are minimal. We have carefully avoided imposing any burden at all on citizens who are not professional lobbyists but who merely contact the Federal Government to express their personal views.

Now, the so-called grassroots lobbying provision in last year's conference report, to which some objected in the last Congress, are not in the bill before us today. They were not in the original Senate bill last year. They were added in the House, or modified and accepted in conference—without much opposition, by the way. In fact, I do not think there was any opposition in the conference. But what we have returned to is the original Senate provisions on these points, as they were adopted by the Senate last year.

In particular, this bill deletes definitions of grassroots communications, deletes requirements to disclose persons paid to conduct grassroots lobbying communication, deletes the requirement to separately disclose grassroots lobbying expenses, deletes the requirement to disclose if someone other than the client pays for the lobbying activities, and deletes all references to individual members of a coalition or association as clients.

Let me just repeat that, because this became such a contentious issue last year. The grassroots provisions, which were in the conference report, and which became the subject of so much contention on the Senate floor here last fall, are not in this bill, just the way they were not in the Senate bill as

it originally passed the Senate last year.

Now, there have been a number of other concerns raised about our bill. We are going to be offering an amendment later on to address some of these concerns.

First, we are going to further reaffirm that the bill does not cover grassroots lobbying by adding a specific statement that lobbying "does not include grassroots communications or other communications by volunteers who express their own views on an issue." That is the first part of the amendment. Just to make it absolutely clear that we are not trying to, in any way, cover communications by people who are expressing their own views on an issue, we are going to make that express statement to address any lingering concern that people have in that area.

Second, our amendment will address concerns that the bill might reach small groups and local organizations that engage in only incidental lobbying. We want to assure people that we are not trying to reach the small group, the local organization, who pay someone to lobby, or who spend money on paid lobbying activities, but where as only incidental lobbying.

What we are doing is increasing the amount of time—the threshold—we are increasing the amount of time that must be spent on lobbying to be considered a lobbyist. We are increasing that from 10 to 20 percent of a person's time over a 6-month period.

What that means is a person would now have to spend more than 5 weeks lobbying full-time in a 6-month period to be considered a lobbyist. And we are increasing the exemption for small organizations that spend minimal dollar amounts on lobbying, we are increasing that amount from \$5,000 to \$10,000 in a 6-month period, and we are specifying that multiple lobbying contacts are required for a person to be considered a lobbyist.

In addition, our amendment is going to address concerns about an independent agency being created to administer and enforce this act. This concern is that somehow or another that an independent agency could become a rogue bureaucracy and could impair first amendment rights.

What we are doing in our amendment is eliminating the provision that establishes the new agency. We are going to entrust all filing requirements to the Secretary of the Senate and the Clerk of the House of Representatives who handle them now. We are going to permit the executive branch to provide guidance to potential registrants on how to comply through the Office of Government Ethics, but not giving that agency any investigative or enforcement power responsibility.

We are eliminating the enforcement provisions of the bill altogether and replacing them with a simple provision, providing a civil monetary penalty for violations, and we are reducing the

maximum penalty for violation from \$100,000 to \$50,000.

In addition, the amount would lengthen the period of time for filing registrations and reports from 30 days to 45 days. We will permit nonprofit others to file duplicate copies of the IRS form 990 in lieu of disclosure of dollars spent on lobbying under the bill. We will clarify that written materials provided in response to a specific request do not count as lobbying, regardless of whether the request is oral or written.

These amendments, a series of changes which we will make in our own bill by amendment, should remove concerns that the bill could impose registration and reporting requirements on organizations that engage in only incidental lobbying. We are removing the independent agency. We will address the concern that we are empowering an executive branch agency to audit investigative review, sensitive lobbying communications or deter citizens from exercising their first amendment rights through arbitrary or selective enforcement.

At the same time, we are making these changes to address those concerns, we are going to leave intact the heart of the bill, which plugs loopholes in the current lobbying disclosure laws and ensures all professional lobbyists have to register and report who is paying them, how much, to lobby Congress and the executive branch, on what issue.

We are going to require that if our bill passes, regardless of whether or not the paid lobbyist is a lawyer or a non-lawyer, whether or not the client is profit or nonprofit, and whether or not the lobbyist is an in-house lobbyist or a lobbying firm.

Mr. President, while we want to avoid unnecessary burdens on the private sector, we must ensure that the public gets basic information on that critical point—who is paying who, how much to lobby Congress, and the executive branch, and on what issue.

We will oppose any effort to eliminate important disclosure requirements or to exclude coverage of lobbying on certain types of issues or to limit disclosure to legislative branch lobbying, or to raise the thresholds in the bill to unrealistically high levels.

In the last Congress, the Lobbying Diagnosis Closure Act was adopted by the Senate by a 95-to-2 vote. A conference report was then passed by the House and sent to the Senate for final consideration.

Unfortunately, objections to certain provisions related to grassroots lobbying made it impossible to enact the bill at that time. Those provisions are not in this version, just as they were not in the Senate bill when this bill passed the Senate last year.

The fact is, 95 Members of this body are on record as favoring a strong lobbying disclosure bill. Mr. President, there was a recent public opinion poll, 1993, a little over a year ago, where

voters were asked who wields the real power in Washington. The answers should energize Members to act. The answer in that public opinion poll was—and again, the question, who has the real power in Washington?—7 percent said the President; 22 percent said Congress; 50 percent said lobbyists. Mr. President, 50 percent of the American people feel that lobbyists wield the real power in Washington—more than twice as many as feel that we bear the real power and have the real power in Washington, and over 7 times as many as feel that President Clinton has the real power in Washington.

Lobbying disclosure is one of three pillars of reform. If we are serious about increasing public confidence in this democratic Government, we have to address at least three fundamental issues. One is lobbying disclosure. That is before the Senate in this first bill. Second, is gifts. That will come before the Senate in the next bill we take up. The third is campaign finance reform.

Mr. President, I indicated that we have an amendment which will make a number of changes. Before I send that amendment to the desk I want to repeat them, because they address issues which have been raised and which are, I believe, important to all Members of this body.

The first provision of this amendment will reaffirm that the bill does not cover grassroots lobbying by adding the specific statement that lobbying does not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue.

The amendment that we will offer also makes it clear that we are not reaching small groups and local organizations that engage in only incidental lobbying. We are doing that by increasing the amount of time that a person must spend lobbying, paid to lobby, from 10 to 20 percent of that person's time during the reporting period, and we are increasing the exemption for small organizations that spend minimal dollar amounts on lobbying from \$5,000 to \$10,000 during that 6-month period.

Also, we are specifying that multiple lobbying contacts are required for a person to be considered a lobbyist—a single lobbying contact does not count. All three of those must exist before the person fits the definition of a lobbyist.

We are also addressing the concerns about the creation of an independent agency to administer and enforce the act by eliminating the provisions creating that agency. We are doing a number of additional things in this amendment, as I indicated in my prior description of the amendment.

AMENDMENT NO. 1836

Mr. LEVIN. With that, I send an amendment to the desk on behalf of myself and Senator COHEN and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan, [Mr. LEVIN] for himself and Mr. COHEN, proposes an amendment numbered 1836.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment is as follows:

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph and insert in lieu thereof the following:

"Lobbying activities do not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue, but do include paid efforts, by the employees or contractors of a person who is otherwise required to register, to stimulate such communications in support of lobbying contacts by a registered lobbyist."

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "\$2,500" and insert "\$5,000".

On page 17, line 2, strike "\$5,000" and insert "\$10,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "\$5,000" and insert "\$10,000".

On page 18, line 19, strike "\$5,000" and insert "\$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 12, strike "\$2,500" and insert "\$5,000".

On page 21, line 17, strike "\$5,000" and insert "\$10,000".

On page 21, line 23, strike "the Director in such form as the Director may prescribe" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 22, line 6, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

"(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a

statement that income or expenses totaled less than \$10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 25, line 24, strike subsection (e). On page 31, line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

#### "SEC. 7. DISCLOSURE AND ENFORCEMENT."

"(a) The Director of the Office of Government Ethics shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act; and

"(2) after consultation with the Secretary of the Senate and the Clerk of the House of Representatives, develop common standards, rules, and procedures for compliance with this Act.

"(b) The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(2) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(3) ensure that the computer systems developed pursuant to paragraph (2) are compatible with computer systems developed and maintained by the Federal Election Commission, and information filed in the two systems can be readily cross-referenced;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

#### "SEC. 7. PENALTIES."

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line 5, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18.

On page 55, line 23, strike Section 20.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

#### "SEC. 22. EFFECTIVE DATES."

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1997.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

THE PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, as I said earlier this morning, I think it is important to point out again that every Senator on both sides of the aisle agrees that there needs to be lobbying reform. There are a number of changes that can be made that are long overdue, as a matter of fact. Unfortunately, in past years these issues have been bogged down by crowded schedules, sometimes partisan politics, sometimes misunderstandings. But for whatever reason, it has not been done. I think we have a chance to accomplish that today, and we intend to work together in a bipartisan effort to accomplish that goal.

I do want to point out at the beginning, the majority leader, Senator DOLE, to help facilitate this effort, did create a Bipartisan Senate Gift and Lobbying Reform Task Force to study these issues and develop proposals for reform. The leader set up this task force at a time when most Members were skeptical that anything could really successfully be crafted as a compromise.

I am pleased to report that the task force has met, we have had a lot of discussions, and I think significant progress on the issue of lobbying reform has been accomplished and we are moving toward a bipartisan bill. I specifically would refer to several of the points the Senator from Michigan has just noted, the proposals that are included in the amendment he just sent to the desk.

He changes the language with regard to grassroots lobbying efforts and adds additional guarantees and clarification that this is not intended to and will

not in any way chill the efforts of our citizens and our constituents who come to Washington to try to seek redress from the Government to contact their Senators. That is a very important change from last year.

We can go back and think again about the history of how we got that language in the bill last year. Last year it was added in conference. Members originally, I think, did not object to it because they had not really had a chance to assess what the ramifications might be, but, as Senators started looking into it, their concerns grew. But that has been clarified and will not be a problem here today.

Also, changes have been made with regard to incidental lobbying that I think are very important. Some people will have occasion just to make an indirect, maybe one-time contact with a Senator or staffer that could qualify as incidental, and that would have language that would address that concern.

I think it is important that the threshold in this compromise alternative is being raised. I believe the language that was in the original bill was at \$2,500 for an individual lobbyist. I believe that was too low. Some significant movement has been made in that area. The penalty, while we feel if there is a blatant or repeated violation of the disclosure rules there should be an opportunity for some maximum penalty, I think it was excessive in the original Levin bill. Also, to increase the filing period from 30 to 45 days just makes fundamental good sense—gives them time, at least, to comply with the filing requirements.

So I think all of those are very positive movements, and I think we will be able, hopefully, to narrow areas where we need discussion down even further very shortly.

Before I delve into the details of some of the task force work, I would also like to begin by commending the members of the task force for their time. The Senate minority whip, Wendell Ford—Senator FORD from Kentucky has been very helpful in cochairing this task force. The Senator from Kentucky, Senator MCCONNELL, who has for a long time been interested in serious lobbying reform, has assisted the efforts and, as chairman of the Ethics Committee, has been very involved. The chairman of the Rules Committee, Senator STEVENS; Senator ASHCROFT; Senator BREAUX; Senator COHEN; Senator DODD; Senator FEINGOLD; Senator LAUTENBERG; Senator LEVIN; Senator REID; Senator ROCKEFELLER; Senator SIMPSON; and Senator WELLSTONE have all been involved in this effort.

As I noted, we have made significant progress in the lobby area. It does not appear that as much progress has been made in the gift-rule area. That will come up next. But we will continue to work on that also throughout the day.

Last month, when the Senate Lobbying Reform Task Force was created, we started to have these conversations that have led to some agreements. I

think we have reached some changes that will lead us to sound policy, not just political sound bites. We want to continue to work in that area.

But the task force has identified some areas that we still are very much concerned about and we want to work on. One of those is the definition of a lobbyist. The definition of a lobbyist—it is very important that we have a clear understanding of that. The original bill was, I think, way too broad and would have required a constituent back home, who maybe would have only come to Washington once a year, to register as a lobbyist. We feared this might be a deterrent to some constituents to actually doing what they might be entitled to under the Constitution. To avoid this situation, we have already reached an agreement on two significant changes in this area of definition of a lobbyist.

First, I believe both sides of the aisle have agreed to increase the percentage of time an individual must spend lobbying to be considered a lobbyist from 10 to 20 percent. Second, we are in the process of negotiating changes in the level of compensation a lobbying firm or organization must receive in order to be required to register. The original bill, as I noted, only exempted firms receiving under \$2,500, and organizations receiving under \$5,000 for other organizations. The level is clearly too low. While this level might be appropriate under current law where lobbyists are only required to report contacts made with actual Members, the compromise we are working on would go beyond that, and I think we need to change the levels that are involved. We are talking about maybe even the involvement of contact with staff. So we are discussing a change of those limits even more. I do not think we have reached a final agreement, but we are getting closer.

It is very important we do not begin this process by finding a way to create a new, additional Federal agency, as was originally included in this bill. I feel particularly strongly about that. To set up another organization with more people being employed at the Justice Department really is just not called for. I understand Senator LEVIN has agreed we would change that. And it would require that lobbyists register with the Clerk of the House or the Secretary of the Senate within 45 days of their first lobbying contact. That is a major movement.

We should not create this new agency at the Justice Department or anywhere else. We should continue, basically, with the reporting receptacle that we have now, and they will be able to deal with it because I do not think there is going to be a great expansion in the number of filings. But we will just have to see how that will work out.

There is one other point we continue to have disagreement on, and that is whether or not the executive branch should be included. The original Levin bill also included lobbying of the executive branch, and while this may or

may not be a desirable goal, we are concerned about including coverage of the executive branch.

The President has the authority to require lobbying disclosure by Executive order, if he wishes to do so. The President recently created a Lobbying Reform Task Force with the Speaker of the House, and their efforts may have some recommendations later on to change the coverage. But I think we should not preempt that.

Let us make this applicable to the legislative branch. That is where we work. That is what we are really trying to deal with. There will be other processes and other ways that you can deal with whether or not the executive branch should be covered.

So I know that Senator LEVIN and others have been working on this a long time. Senator MCCONNELL I see is on the floor and will want to comment.

I am very pleased that the majority leader went ahead and scheduled this early in the week rather than late in the week where this legislation might have been in a crunch with other legislation. We can consider it today, and hopefully come to a conclusion before the day is out on at least lobbying reform. And then we will see what we can do on gift reform.

Mr. President, in view of the fact that Senator MCCONNELL is here, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me thank my good friend, the majority whip, for the effort he has made to move this issue along. I think all of us are grateful to him for his leadership.

I also want to commend the Senator from Michigan, Senator LEVIN, for coming a long way, it seems to me, in the proper direction with the latest alternative which he has suggested.

Mr. President, I think it is important to remember what the fundamental issue before us is. The Constitution of the United States gives to each American citizen the right to petition the Congress. And the courts have held that there is no distinction among those who petition the Congress and are not paid to do so and those who petition the Congress and are paid to do so. In other words, a citizen does not waive his or her constitutional rights simply because they are paid to represent a group that does not have the time to come to Washington and do the job themselves.

So there is no constitutional distinction between lobbyists and nonlobbyists when it comes to the protective constitutional right to petition the Congress. That is at the heart of this debate. Of course, the surface appeal facing lobbyists is overwhelming. But the Constitution is designed to protect the individual.

So what we are seeking to achieve here, I think as the majority whip



pointed out there is a good chance we may well achieve it, is a consensus effort here to strengthen the lobby laws but not to discourage people from exercising their constitutional rights.

I might say, at least as far as this Senator is concerned, that it seems appropriate, as we look to require further disclosure from lobbyists, that we consider not exempting those who lobby for the nonprofit sector and that we consider not exempting those who lobby for the Government sector. There are governments, State, and local governments, and even arguably divisions in each part of the Federal Government, the so-called legislative affairs offices of each Cabinet at the Federal Government, that are also seeking to influence us and to push us in the direction arguably of expanding the Government; or to spend more money on Government programs.

One of the things I hope we can take a look at in the course of this debate is whether or not the distinction between those who lobby for the private sector and those who lobby for the Government sector or the nonprofit sector is a valid distinction. Why is it that one kind of activity designed arguably to promote the free enterprise system is somehow suspect and another kind of lobbying activity to promote the expansion of Government is somehow not suspect? So one of the things we will be discussing in the course of this debate is whether that is an appropriate distinction.

But, Mr. President, my friend from Arizona is here. He is prepared to offer an amendment which I personally believe, having talked with him about it, is a good amendment. I will not speak any longer at this point. I am going to make an opening statement later this morning.

But I want to commend the Senator from Michigan for the movement that he has made. I think we are moving in the direction of coming together here and passing a landmark piece of legislation.

So with those opening observations, Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank both the Senator from Michigan and the Senator from Kentucky. I realize the volatility of this issue. I realize the difficulty involved in it. There is no doubt that there are very strong arguments on both sides.

Mr. President, I say to my friend from Michigan—and I intend to do this later in the day—but I believe that one of the reasons there is such a diversity of view here is that there is not a defining standard as to what is expected in the way of gift rules.

I remember quite a few years ago when there were some very stringent gift rules enacted for the executive branch. I think the Senator from Michigan remembers, as I do, that there was great gnashing of the teeth

on how it would not work, and that it would be impossible to enforce, et cetera. But it has worked.

I urge both my colleagues to look at the rules as far as gifts are concerned that apply to the executive branch of Government. It has worked. It is fair. I have not heard, at least in recent years, inordinate complaints that it is an unworkable situation. Very frankly, the gift ban as it exists today as far as the executive branch, it seems to me should apply to the legislative branch. The members of the executive branch are subject to the same lobbying, and the same influences because decisions of enormous consequence are made in the executive branch.

I look at the Defense Department and see that multibillion-dollar decisions are made in the executive branch which have frankly very little input from time to time from the legislative branch. Yet, I believe it was back in the 1970's, that a very stringent gift rule was enacted in order to cure some of the problems that existed in the executive branch, and those seem to be working today.

Very fundamentally, Mr. President, these gift bans are \$20 and \$50 aggregated. As far as the gift limit is concerned, gifts of \$20 or less are allowable, with an aggregate limit of \$50 from any one source in any given calendar year. There is no difference between in State and out State, difference for lobbyists versus nonlobbyist, and a Member must document all gifts received and make such information available every 6 months. The definition of a gift would be basically the same as is being proposed but it would be expanded to include meals and entertainment.

As far as charitable events are concerned, payment of meals, if the staff member participates in a meal or dinner event. Exemptions would be that there is no difference between in State and out of State, and no difference between lobbyists and nonlobbyists. Meals up to \$20 from any source would be allowed. Meals of any value may be accepted from charitable organizations if the Member attends an event sponsored by a charity, and substantially participates in those activities.

Finally, if there is entertainment associated with a Member's trip, these should be paid for by the Member if the value exceeds the gift level ceiling.

Again, since there seems to be significant differences between both sides of the aisle, I would urge my colleagues to go back and look at the rules that pertain to the executive branch of Government which have worked now for nearly 20 years. And I would suggest that would be a very important place we could begin, and perhaps reach some agreement here before we consume the entire week with debate on this obviously very emotional issue.

Mr. President, I ask unanimous consent to lay aside the pending amendment in order to propose an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1837

(Purpose: To repeal the Ramspeck Act)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1837.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

#### SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

Mr. MCCAIN. Mr. President, this amendment basically repeals the Ramspeck Act, the act, which as I understand, was enacted around 1940. It provides an unequal playing field for those members of staff in Congress who have worked here. It is obsolete and unfair. The time has come to terminate it.

It provides exclusive privileges to legislative and judicial branch employees attempting to secure career civil service positions within the Federal Government. The Ramspeck Act makes a special exception to certain competitive requirements of civil service positions for individuals who have served 3 years in the legislative branch or 4 years in the judicial branch.

Under this act, legislative branch employees are given competitive status for direct appointment to a civil service position if they are involuntarily separated from their job, and they are allowed 1 year from their date of separation in which to exercise this privilege. Furthermore, the Ramspeck Act waives any competitive examination which ranks applicants for jobs for individuals who are former legislative or judicial branch employees. Therefore, if a competitive exam is given to rank candidates for a certain civil service position, a select group of contestants are permitted by the Ramspeck Act to effectively skip a hurdle, yet they are assured of being able to be selected for the job.

Finally, individuals appointed under that act become career employees in the civil service without regard to the tenure of service requirements that exist for other civil service employees. Most people who have successfully competed for a position within the civil service must then serve a 3-year probationary period before they achieve career status with their agency. Ramspeck appointees, however, are



afforded with career status immediately.

Mr. President, I wish to point out very clearly the amendment will have no impact on any former Senate or House employee who lost their job in the last election. I think it is very important that we point that out. The results of this last November's election caused a very large number of involuntary job losses among legislative employees from the other side of the aisle. Republican staffers have utilized their eligibility under the Ramspeck Act to gain preference as have others, so this amendment would not be enforced for 2 years in order to allow those individuals who were displaced by last year's election to have the same opportunity that others have had for the last 40 years.

Mr. President, not only is the act itself very wrong but there have been several cases that have really been egregious. The GAO issued a report in May of 1994 concerning the Ramspeck Act, and they were able to come up with several examples of how really egregious some of the individuals have been in taking advantage of this legislation.

They point out a case, and I quote from page 63 of the GAO report:

The individual reestablished her Ramspeck eligibility by returning to Congress after 9 years and 11 months and remaining in the position for 5 days.

Mr. President, what that means is the individual had left her employment here in the Congress, had been gone for 9 years and 11 months, returned to work for a Member of Congress for 5 days and thereby reestablished eligibility and then obtained a job with the Department of the Interior.

The individual's qualifying employment had been obtained in Congress from 1975 to 1982. After positions both in and out of Government, she accepted a noncareer schedule C position with the Department of Interior in October 1991. On November 6, 1992, after making inquiries about her Ramspeck Act eligibility and noncompetitive career appointment opportunities at the Department of Interior, the individual resigned from her noncareer position with the Department of Interior. On the same day, DOI approved a new career position to which the individual was subsequently appointed. She began work for a congressional committee on November 9, 1992, knowing that it was a 1-week special project. On November 10, she applied for and on November 12 was approved for a noncompetitive appointment to the new career position at the Department of Interior under the Ramspeck authority. The appointment became effective on November 16.

Another case:

The individual reestablished his Ramspeck eligibility by returning to congressional employment after 4 years and remaining in a position for 8 days with a Congressman who had not been reelected. The individual had worked in Congress from 1967 to 1989. He then held a noncareer SES appointment at the Department of Interior until he resigned on November 30, 1992. At the time of his resignation, he was earning \$112,100 per year. On December 1, 1992, the individual returned to a position on the staff of a Member of Congress. The position paid \$1,200 per year. The

following day, the individual obtained the Member certification that he would be involuntarily separated because the Member had not been reelected. Therefore, the individual would be eligible for a noncompetitive career appointment under the Ramspeck Act. On December 3, the individual applied for a new career position at the Department of Interior. DOI created the position on November 24 and on the same day requested, authorized and approved a personnel action to appoint the individual noncompetitively under the Ramspeck Act to the new position. All this took place days before the individual had resigned from his noncareer position.

Another case:

The individual established her Ramspeck eligibility by returning to congressional appointment after 5 years and 7 months and remaining in the position for 12 days. The individual, who had worked in Congress from 1970 to 1987, was given a temporary appointment on June 11, 1987 and on June 21 was converted to a permanent noncareer schedule C position at the GM-14 level. On June 15, 4 days later, the position was upgraded to the GM-15 level and the individual was promoted to the position on July 17. The individual resigned from the noncareer position on December 5, 1992, and 2 days later joined the staff of a Member of Congress who was planning to retire. She obtained a Ramspeck certification on December 14—

That is 9 days later.

stating that she would be involuntary separated because the Member was retiring. The individual terminated her employment on December 18.

That is 13 days later.

and applied to DOI for a noncompetitive career appointment under the Ramspeck Act on December 21. She received a career appointment on January 11, 1993 in the same office in the Department of Interior from which she had resigned. A position to which she was noncompetitively appointed had been created in July 1992, and it apparently had remained vacant since that time. The new career position had some of the same duties and responsibilities as the GM-15 noncareer position.

Mr. LOTT. Mr. President, will the Senator from Arizona yield for a question or comment?

Mr. McCAIN. I will be glad to yield.

Mr. LOTT. I wish to commend the Senator from Arizona for his work in this area. I must confess that when he first called the Ramspeck Act to my attention earlier this year, I had no idea really what was involved. He at that time agreed that he was going to try to educate us all a little bit better and he would be back with an amendment in this area later on this year. He is fulfilling that statement today.

As I have gotten into Ramspeck, I think he has a very good point. This is something that should absolutely be changed. Most Americans have no idea what is involved here and I daresay most Members of Congress. Most of us just were not aware that there was any kind of special arrangement whereby a Member of a congressional staff could wind up getting preferential treatment in employment in the executive branch.

Is that basically what happens under the existing law? If you are on a congressional staff, you can go over to the executive branch under special consid-

eration and get a position on a non-competitive basis, is that the way it could properly be summed up?

Mr. McCAIN. Yes. This bill was signed into law in 1940, and there is no doubt that it was an attempt to help individuals who had worked in the legislative branch obtain employment. We all know that the vagaries of the electoral process dictate that—and sometimes the death of Members. But that may have been valid in 1940. I am not prepared to judge the wisdom of this body at that time, but clearly at this time it is not only inappropriate but also there have been some very egregious abuses of the system as it existed.

The system alone was bad, but then when we have people who go over and serve on the staff of a Member of Congress for 7 days or for 20 days, who have not been working in Congress—as I mentioned, one of them had not worked in Congress for 7 years and 3 months, went over, worked for 20 days for a Member of Congress and then got a GS-15 position, which is a permanent position, as the Senator from Mississippi knows. That is really something we need to do away with. I appreciate the question.

Mr. LOTT. Mr. President, I thank the Senator for yielding. I certainly agree with him and will support his amendment when we get to a vote on it later on today.

Mr. McCAIN. Mr. President, could I just mention in closing, I ask unanimous consent that several articles here, one from the National Journal, one from the Wall Street Journal, and an editorial from the Arizona Republic be made printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Nov. 19, 1994]

#### LOSERS GET SPOILS, TOO

We've all heard the adage about the spoils going to the victor. The impending change-over to Republican control of Congress is a good example. That means thousands of patronage workers on Capitol Hill—from committee staffers to drivers and telephone operators—the vast majority of whom were appointed by Democrats, could be looking for work.

"Could" is the operative word here, thanks to a little-known federal law called the Ramspeck Act. Under the law, named after the Georgia congressman who authored it decades ago, congressional employees who lose out in the political shuffle are given first preference for civil service jobs in the federal bureaucracy. That's right! Even the losers stand to gain taxpayer-paid spoils.

As a practical matter, most low-level congressional workers who will lose their majority party positions—committees in the new Congress, for example, will have more Republican staffers than democratic appointees—will likely have to find jobs elsewhere. But the cream of the crop, most of them top congressional aides, lawyers and policy experts, will be able to go to the head of the employment line for jobs in the executive branch under the Ramspeck Act.

The Clinton White House will be under immense pressure to accommodate these Democratic Party loyalists, says Mark R. Levin,

director of legal policy for the Washington-based Landmark Legal Foundation. Writing in *The Wall Street Journal*, Levin observes that these are the same individuals "responsible for drafting the onerous, big-government approach that the voters rejected on Nov. 8."

Under Ramspeck, hundreds of these policy-makers could "burrow" into large federal departments and agencies throughout the country, Levin says, and "continue to impose their liberal views on the public." The law applies to congressional staffers with three years or more of service who lose their jobs due to "reasons beyond their control . . . such as death, defeat or resignation" of their bosses. Thus, they are allowed to avoid normal competitive procedures for filling federal jobs and gain immediate career status, with civil service protection, when hired.

When the shoe was on the other foot a few years ago and the outgoing Bush administration sought to find jobs in the federal bureaucracy for its top staffers, then-Democratic Rep. William Clay, a champion of labor rights, condemned the process. "Burrowing in," as he put it, "is an insidious practice that undermines the civil-service system, takes jobs away from better-qualified career employees and could sabotage the efforts of the new administration to carry out the will of the people."

We couldn't have said it better.

Levin suggests that the new Republican Congress repeal the Ramspeck Act. It is, after all, precisely the kind of double standard that has served to set official Washington apart from the rest of the nation and which helped to fuel the grass-roots rebellion that turned Democratic incumbents out of office.

"Make the former Hill staffers find real jobs in the private sector," urges Levin. And as an added bonus, he says: "If they ever come back to government, they will be more sensitive to the needs of working Americans" who have no such exemptions written into law for poor job performance. Getting Washington to play by the same rule as the rest of us ought to be high on the next Congress' agenda.

[From the Wall Street Journal, Nov. 15, 1994]

THEY'LL NEVER LEAVE

(By Mark R. Levin)

When the American people fired the Democratic majority in Congress last week, they also sent thousands of congressional staffers into the private sector—or did they?

The House Republicans have set up a transition committee, headed by Rep. John Boehner (R., Ohio), to examine the 40-year-old Democrat patronage system. Rep. Boehner's spokesman informs me that there are some 13,000 committee staffers and patronage employees in the House, the vast majority of whom work for, or were appointed by, Democrats. (This does not include the untold hundreds of individuals who work on the personal staffs of congressmen.)

Although Rep. Boehner has sought, but not yet received, a complete list of these jobs from the Democrats, it is estimated that several hundred of the patronage employees serve as doorkeepers, barbers and beauticians, printers, photographers, elevator operators, security personnel, furniture movers, drivers, telephone operators, librarians and the like.

Padding the public payroll with friends and loyalists is not particularly new, but it is wasteful and ought to be eliminated. However, the real issue in terms of policy and governing involves the fate of Congress' shadow government—i.e., what will come of the thousands of soon-to-be unemployed

Democratic staffers who are responsible for drafting the onerous, big-government approach that the voters rejected on Nov. 8? These are the folks who wrote such oppressive legislation as the Omnibus Budget Reconciliation Act of 1993 (which brought us retroactive taxation, among other things), the Elementary and Secondary Education Act (which federalizes such local educational curriculum), and the Endangered Species Act (which threatens private property rights).

If the Republicans keep their promise to cut a third of Hill jobs, such a reduction—plus the turnover of a majority of the committee staff positions from Democrats to Republicans—will result in an unprecedented, large-scale exodus of these shadow legislators. But where will they go? Many of the staffers are lawyers. Not even in Washington are there enough legal or lobbying positions to employ most of them. And few businesses can use the remaining aides, many of whom have nothing but Capitol Hill experience. That's where the Ramspeck Act—a decades-old law widely known to most Hill dwellers—comes in. This law allows out-of-work staffers to find employment among the ranks of career civil servants in the executive branch. The only requirements are that the ex-staffer must have worked a minimum of three years in Congress, must be qualified for the position (of course, a position can be created to ensure that the applicant qualifies), and must exercise his Ramspeck eligibility within a year of losing his congressional job.

Upon receiving a Ramspeck appointment, the former congressional aide receives the same job security and protection as a civil servant. In fact, he becomes a civil servant who can only be removed from his new position for cause—a rare event in our federal bureaucracy.

There will be immense pressure on the Clinton administration to hire Democratic congressional aides. And since there are only a relative handful of political jobs the White House can offer, federal departments and agencies may be pressured to accommodate them through Ramspeck appointments. This would enable hundreds of congressional staffers to burrow into large federal departments and agencies throughout the country.

Why is this a concern? Every year thousands of pages of regulations are written, imposed, interpreted and enforced by workers employed in the executive branch. These individuals make decisions every day that affect our lives. There is a real danger, therefore, that many of the same congressional staffers whose bosses were just deposed by the American people will assume important decision-making positions in the federal bureaucracy, permitting them to continue to impose their liberal views on the public.

The incoming Republican leadership should take immediate steps to prevent the possible abuse of Ramspeck hiring. For one, the future speaker, Newt Gingrich, and senate majority leader, Bob Dole, should write immediately to each federal department and agency head, advising them that come January 1995, appropriate oversight will be exercised to determine whether (and the extent to which) Democrat congressional staffers have merely relocated from the halls of Congress to the bowels of the bureaucracy. The GOP leaders should also consider legislation abolishing the Ramspeck Act, which is intended to protect congressional staffers at the taxpayer's expense.

Make the former Hill staffers find real jobs in the private sector. There's an added bonus here: If they ever come back to government, they will be more sensitive to the needs of working Americans.

[From the National Journal, March 1994]

RAMSPECKED!

(By Viveca Novak)

(The 1940 Ramspeck Act allows some congressional aides to circumvent the traditional civil service hiring process and secure immediate—and highly coveted—career status. But critics say that "Ramspecking" is as good a symbol as any of what's wrong with the labyrinthine federal personnel system.)

Phyllis T. Thompson, known to most as Twinkle, got lots of experience working on Interior Department issues on the staffs of Sen. Barry Goldwater, R-Ariz., and the Senate Select Committee on Indian Affairs. In 1987, she was rewarded with a political appointment to Interior's Bureau of Land Management. But in December 1992, not long after Democrat Bill Clinton was elected President, she jumped back to Capitol Hill—oddly, to the staff of Sen. Steven D. Symms, R-Idaho, who had not run for reelection and would be leaving office on Jan. 3.

Thompson worked for Symms for 11 days. Then she suddenly resurfaced at Interior, drawing an annual salary that's somewhere from \$69,000-\$90,000 in a career civil service job for which she was given preferential consideration.

Thompson was engaged in a neat bit of "Ramspecking." The bizarre-sounding maneuver is great for those who can use it, but not so great for those who happen to believe in a purer merit system or who get edged out of jobs or promotions by Ramspeckers. Although Vice President Albert Gore Jr.'s National Performance Review sparked some hope of sweeping changes in the federal bureaucracy, sources who worked on the "reinventing government" report said that Ramspecking and other preferential hiring systems, which have drawn much criticism over the years, are too hot to handle and probably won't be taken on.

The 1940 Ramspeck Act, named for its chief House sponsor, gives a leg up on executive branch jobs to congressional and judicial branch employees with at least three years of total service who are "involuntarily separated" from their jobs—if their bosses die, retire or are defeated, for instance, or if their jobs are restructured out of existence. They avoid the regular competitive process and are given immediate—and highly coveted—career status.

In short, it's a perk.

Make no mistake about it: The Ramspeck Act, which results in maybe 100 or so appointments a year, may seem like little more than a speck in center of a federal work force that includes about two million workers, not counting the U.S. Postal Service.

"When we're fighting about whether or not there are going to be RIFs [reduction in force], whether or not there are going to be buyouts," said Robert M. Tobias, the president of the National Treasury Employees Union, "this doesn't get to the top of the list."

GAMING THE SYSTEM

But in an environment in which the federal bureaucracy is under intense scrutiny as part of a high-level effort to make it more efficient and more responsive Ramspecking is as good a symbol as any of what can be so disheartening about the labyrinthine federal personnel system. Seemingly well intentioned, the law can be used to good effect, according to some who have had experience with it. But schemers have found ways to game the system while staying within the letter of the law. And even when it's used as directed, critics say, it's circumvention of the traditional civil service hiring process weakens the system and erodes morale.

"The Ramspeck Act is discriminatory," Fredric Newman, a retired director of civilian personnel for the Army, said, "It contradicts the merit system, and I tried to avoid applying it."

Donald J. Devine, who headed the Office of Personnel Management (OPM) from 1981-85, wrote a memo to Clinton after the election in which he urged him, among other things, to get rid of the Ramspeck Act. "It's one of the innumerable provisions undermining the merit principle," Devine said in an interview. "There's no real justification for it. It's basically one of countless benefits of the legislative branch."

The 1992 election provided laboratory conditions for observing the two principal species of Ramspeckers. First, there was a change not only in Administration, but also in party. Former Capitol Hill aides who'd gotten political jobs in the Republican executive branch were looking for life rafts in the career civil service—various ways to burrow in. Sen. David Pryor, D-Ark., sent the General Accounting Office (GAO) a list of 150 names and 50 department or agency reorganizations that his office had received complaints about in this regard, some of them involving Ramspecking. The GAO's final report is expected out in a few weeks.

Second, 1992 brought the largest exodus of Members of Congress since 1948, and attached to each lawmaker were several aides who were faced with the prospect of finding new employment. Morton Blackwell, a conservative activist, was running seminars in House Annex I on how to Ramspeck. "Conservatives must match the Left's mastery of the Ramspeck Act," he declared (although statistics don't indicate that either party has a lock on this). "Dedicated conservatives now can use non-competitive routes to secure career employment in the federal government. . . . In government, personnel is policy."

Without a presidential contest in the wings, Ramspecking of the first type will be little practiced until 1996 or later. But the 1992 election brought plenty of it, some of which looked fishy under even a lenient threshold of acceptance transition behavior.

OPM, investigating complaints about 14 Ramspeck appointments at the Interior Department in 1992 and early 1993, found that seven political appointees had returned to Congress for periods of only a few days to a few weeks. This reestablished their Ramspeck eligibility; the law doesn't require an employee's three years of congressional service to be continuous, but it does require that the Ramspeck transfer take place within a year of leaving Capitol Hill. While such brief appearances on the Hill between political and Ramspeck jobs seem to be technically permissible, OPM report called them cause for "grave concern." The report went on to say that "it is difficult to conceive that the act was intended as a means to convert political executive branch employees into career civil servants."

OPM zeroed in on two cases. One was that of Timothy Glidden, who held a political appointment as legal counsel to then-Interior Secretary Manuel Lujan Jr. Glidden, a former congressional aide, quit his job at Interior shortly after the election and went on the payroll of Rep. John J. Rhodes III, R-Ariz., who'd just have been defeated. He worked there from Dec. 1-8, earning all of \$26.67. Then he returned to Interior with a Ramspeck appointment as a program analyst in the Office of American Indian Trust.

Some officials of the Interior Department apparently weren't surprised. According to OPM, the job was created for Glidden even before he left. (Glidden told OPM's investigators that he was unaware of that.) The report branded Rhodes' hiring of Glidden and

Glidden's return to the Interior Department "a cynical manipulation of the Ramspeck authority to achieve a preordained result, the placement of [Glidden] in a position especially designed for him."

OPM also assailed the recent career path of Hattie Bickmore, who'd worked on Capitol Hill for eight years before she accepted a political appointment in 1991 as a special assistant in the Minerals Management Service. But she left that position for a one-week job (Nov. 9-13) with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, at the request of Sen. William S. Cohen of Maine, its ranking Republican—a particularly ironic placement because the committee sometimes investigates complaints about Ramspeck abuses. On Nov. 16, she was appointed under Ramspeck authority to a career GM-15 position in Interior's Take Pride in America program.

Bickmore told OPM, among other things, that she wanted to qualify for retirement benefits, for which she'd be eligible in February 1994. And, she said, "it's a known fact that it's all right to go back [to the Hill] to get Ramspeck eligibility reestablished."

But OPM found this case to be much like Glidden's: Affidavits and other evidence indicated that a job was being created for her to return to before she even left. "No reasonable person examining the total situation in these two cases could conclude that these two appointments met either the letter or the spirit of the Ramspeck Act," OPM said. Besides having prearranged, custom-made jobs waiting for them at Interior Glidden and Bickmore couldn't argue that their departures from their short stays on the Hill were involuntary.

OPM recommended that both Glidden and Bickmore be terminated. Bickmore was fired, and lost her appeal to the Merit System Protection Board on March 15 of this year. Glidden departed as well, though it could not be ascertained whether he retired or was fired.

OPM fond these two cases the most egregious because jobs were created for them, said Michael D. Clogston, the assistant director of its compliance and evaluation office. "But we found in a number of cases, people were going up [to the Hill] for a quick cup of coffee, in effect," he said. "That conferred upon them eligibility to get a job in the executive branch. And a lot of people are of a mind that if you went up for quick cup of coffee, that in itself was enough to violate the spirit of the law."

The Ramspeck process "was started for these poor devils who worked long years on the Hill and fond themselves out of a job because their boss lost or died." Clogston added, "In the cases we looked at, none of them fit those circumstances."

#### THE SILVER PARACHUTE

Most who use the Ramspeck privilege come straight from the Hill after the lawmaker they've worked for leaves Congress. That was the intent behind the law. Its legislative history indicates that Members wanted to provide something for the loyal aides, who had little job security and could, through no fault of their own, be out of work overnight. Because they usually had some expertise to offer, the reasoning went, why not allow them to put it to use in another branch of government?

There was also a strong "me too" motivation. "If there is justification for 'blanketing' into permanent civil service positions many thousands of persons, there is certainly justification for granting this opportunity to employees of the legislative branch," said the conference committee's report from 1940, which also noted that a simi-

lar provision was available to White House employees.

"On Capitol Hill, you've got these people who are professionals and have no civil service protection—people who have put in years of service, who have some qualifications and know their areas," said Edward J. Gleiman, the chairman of the Postal Rate Commission and a former staff director of the Senate Governmental Affairs Subcommittee on Federal Services, Post Office and Civil Service, which Pryor chairs.

Said a former Senate administrative assistant in recounting the vagaries of life on Capitol Hill, "John Heinz's staff goes out to lunch and comes back and they're out of a job." Heinz, a Republican Senator from Pennsylvania, was killed in an airplane crash in 1991.

And some who are on the hiring end of things, in federal departments and agencies, say that Ramspecking offers other advantages. "Generally, I think it's probably a useful thing," said Thomas S. McFee, the assistant Health and Human Services (HHS) secretary for personnel. "These people have had unusual experience and can make a valuable contribution." Ramspecking cuts time-consuming red tape that would otherwise mean advertising a position, ranking and evaluating applicants and so forth. McFee pointed out—and Ramspeck candidates must qualify for the positions they take.

According to a survey by National Journal, HHS had by far the largest number of Ramspeck hires—17—of all federal departments and agencies in the 13-month period beginning in December 1992; Interior had 9 and the Agriculture and Veterans Affairs Departments each had 8. Over all, at least 80 workers were hired as Ramspeck appointments in that period (several agencies didn't respond).

Some congressional offices were especially adept at Ramspecking. Former Rep. Gerry Sikorski, D-Minn., for example, sent three aides to dry land that way after he lost in 1992. The Senate Environment and Public Works Committee—after its chairman, Quentin N. Burdick, D-N.D., died—managed to Ramspeck four of Burdick's people. When the House Select Committee on Narcotics Abuse and Control went out of business early last year, two of its employees were Ramspecked into HHS. Former Rep. Mike Espy, D-Miss., took some aides with him as political appointments when he became Agriculture Secretary; he took three more under the Ramspeck Act.

For all its seeming humanitarian utility, however, the Ramspeck Act seems to have more critics than it does fans or neutral observers.

"If you believe in separation of powers, why give preference to legislative branch employees?" a federal personnel expert asked. "This is a special privilege that ought to be examined. If we're truly to have an apolitical civil service, these kinds of things shouldn't go on. They denigrate the underlying principles of an open and competitive civil service."

Ramspecking is sometimes used as a kind of political appointment, but with indefinite security. Applications for jobs with Ramspeck certifications attached were a common sight in the White House personnel office in the early days of the Clinton Administration.

"I would argue that it's really not necessary," said Mark Abramson, the president of the Council for Excellence in Government, a not-for-profit organization of former public officials. "The political people can get political appointments at any time through Schedule C or non-career SES [Senior Executive Service]. I just don't see any reason to give special treatment to congressional staff

members, I think it's outlived its usefulness, if there ever was one. There's political appointments and then there's the career process."

And clearly, congressional offices can manipulate the process. One gambit plays off the fact that employees are eligible for Ramspecking not only if the Member they work for leaves Congress, but if their office goes through a restructuring that leaves them out of work.

"If [a staff member] is interested in a civil service job, congressional offices will go through the motions of restructuring and certify them for Ramspeck," the staff director of a Senate office said. "If [it] doesn't hurt anything, we will try to do it for them. Of course, we don't say we did it at their request."

Offices also "sometimes say they've restructured and they haven't," one aide added. "The way I look at it is, the quality of life here is pretty low. It's long hours and low pay, and for people with a family, it's hell. If there are small ways we can bend the rules to make things easier, we do it."

Making things easier for a congressional aide, however, doesn't necessarily make things easier for those on the other end of the process.

"They come in with the support of a Congressman or a Senator, and you're told as a manager that this person is coming in at a given level," said a former agency manager who now works for the White House. "There are sometimes complaints filed by other employees, but the grievances don't hold up because it's legal."

A supervisor's resentment over being forced to hire someone rarely has happy consequences. Stephen Hoddap, a staff member of the House Interior and Insular Affairs Committee for three years and a 17-year veteran of the National Park Service before that, wanted to Ramspeck back to the Park Service after his boss, Rep. Robert J. Lagomarsino, R-Calif., was defeated in 1992. He became the assistant superintendent of Shenandoah National Park over the objections of the superintendent, who was told to hire him by higher-ups. According to Hoddap, when he arrived, all his duties were taken away and he had nothing to do. "I had no job," Hoddap said. He left after two months, returning to his old position on the Hill but this time attached to Rep. Don Young, R-Alaska."

For career civil servants who are hoping to advance, Ramspeck and other preferential appointments, which are often at the highest levels, can "shoot morale right to the bottom," said a former employee of the Small Business Administration, who saw such appointments bottle up the promotion hopes of career civil servants in his office. "It affects quality of work, motivation and incentive to achieve."

Ramspeck isn't the only preferential hiring loophole in the federal personnel system. There are, for instance, a veterans preference, a preference for those who have served in the Peace Corps, a measure that in some cases gives priority to Native Americans—even a preference for people who have worked in the Panama Canal system. The huge number of special hiring authorities and arrangements makes it clear that merit—supposedly the backbone of federal personnel policy—is far from the only yardstick used in sizing up candidates.

"The general concept of having a congressional person go to the head of the class is hard to justify in a merit system," the staff director of a Senate committee said. "But the precedent has been set: the merit system has been encroached on in other ways. Veterans get preference, I can't justify that, either. We're talking about characteristics

that have nothing whatever to do with the ability to do the job."

"The merit system is very disjointed, and the definition of merit is something that truly needs to be reexamined," Patricia W. Ingraham, a professor of public administration at Syracuse University's Maxwell Graduate School of Citizenship and Public Affairs, said. "It's a word that in many ways has lost its meaning."

The multiple layers and tangled strands of the federal personnel system were spotlighted by the National Performance Review's report last fall: The 850 pages of federal personnel laws, 13,000 pages of OPM regulations and 10,000 pages of the *Federal Personnel Manual* don't make for efficient and productive government, Gore declared. And there's been some progress. Recently the manual was slashed to 1,000 pages. Federal departments and agencies are supposed to be developing their own hiring guidelines.

But doing away with or reforming Ramspeck and its brethren would require legislation, and no one expects the Clinton Administration, for all its reinvention efforts, to tackle preferential hiring systems head-on. "There was an early look at this," a participant in the National Performance Review said. "The decision was made not to tackle it. It was a strategic decision; we could have lost the whole ball of wax. Why throw up red herrings that would have Congress pissed off at us?"

The constituency for Ramspeck, after all, is Congress itself.

"People are staying so far away from this, "a top aide to a congressional committee that deals with personnel matters said. "You have some trying to eliminate it, others saying it serves a legitimate purpose. But the debate would be around this being a perk for congressional staff, and I for one would not relish that in the current atmosphere" in Washington.

Some would simply argue for better policing of the Ramspeck Act to prevent abuses. Currently there's no central oversight of Ramspeck appointments, something the GAO may recommend in its forthcoming report. OPM's review of Glidden's case and a few others covered only the Interior Department and was prompted by a large number of complaints and by requests from a Senate committee: it is the only such review that OPM has ever done, and the agency has no authority or plans to routinely examine Ramspeck placements.

Meanwhile, this year is shaping up as one that will bring turnover on Capitol Hill rivaling that of 1992. As lawmakers retire, run for other office or take their hits at the polls, their staffs will be looking for someplace nice and safe to land—someplace like the civil service. Look for plenty of Ramspeck appointments to wash into the executive branch, triggering the usual complaints from career civil servants—particularly because, as the federal work force, and especially midlevel management, is downsized, there will be more competition than ever for a limited pool of jobs.

Potential Ramspeckers, start your engines. Demand for Ramspeck certification forms is starting to pick up again at the House Clerk's Office, according to records coordinator Robert Duncan. It's a handy bit of paper to have in your hip pocket come election time.

#### A LAWMAKER'S LAMENT

What a legacy. Imagine if, after years of public service, many people mentioned your name only in connection with an employment perk for congressional staff, if they mentioned it at all. In this case, even those who know the ins and outs of the Ramspeck process have no idea who the man was; his name has become a verb.

Georgia Democrat Robert Ramspeck served in the House from 1929-45, a portion of which time he chaired the Civil Service Committee; during his last two years, he was Democratic whip. In the 1950s, he chaired the Civil Service Commission (subsequently absorbed into the Office of Personnel Management and the Merit Systems Protection Board).

Ramspeck seemed to be acting in the interests of long-suffering congressional aides when he introduced legislation to give them an edge in getting into more-secure government jobs if they were thrown out of work on Capitol Hill.

Making a living was a subject near and dear to Ramspeck's heart. His colleagues reportedly were surprised when Ramspeck resigned from Congress at the end of 1945 to take a job as a lobbyist (yes, it was ever thus) with the Air Transport Association. In March of the following year, his byline appeared under the headline "I Couldn't Afford to Be a Congressman" in a first-person piece for Collier's magazine. Ramspeck wrote that on a Member's \$10,000-a-year salary, he could "barely skin by," especially because at that time lawmakers financed their own reelection campaigns and there was no provision for retirement pay. Ramspeck proposed a retirement system for Members similar to one that executive branch employees had. It passed, but "editorials denounced us as moochers, as hogs in the public trough . . . the entire Congress was besmeared," Ramspeck wrote, and the law was rescinded. Congress eventually got its own retirement system.

Ramspeck, incidentally, had other complaints about Congress that seem eerily familiar nearly 50 years later. Among them: "I have known of some cases of scared voting by good men who could foresee nothing but disaster for themselves if they antagonized certain groups."

Ramspeck died in 1972.

[From the National Journal, April 1995]

#### A SAFE HAVEN FOR EX-AIDES?

(By Michael Crowley)

The 1940 Ramspeck Act, designed to help congressional employees who become unemployed "involuntarily through circumstances beyond their control" find federal jobs, has been put to good use since the November elections. Now it's being put under the microscope.

Suspecting that use of the act would surge after the election left hundreds of Democratic aides jobless, Senate Governmental Affairs Committee chairman William V. Roth Jr., R-Del., asked the General Accounting Office (GAO) in November to tally Ramspeck appointments.

The GAO did, and found a 500 per cent increase in the over-all rate of executive branch appointments since November, as compared with the first 11 months of 1994. The 74 Ramspeck Act appointments since November are already more than triple the 21 in the first 11 months of last year.

Roth, who says that he is "shocked" at this apparent inconsistency with attempts to downsize the federal government, has asked for more GAO reports, although he plans no further action at this time.

Even before the elections, congressional aides had their eyes on Ramspeck opportunities. Last fall, the House Administrative Assistants Alumni Association, a group that helps former congressional staff members find new employment, held a seminar offering tips on finding Ramspeck jobs.

Mr. McCain. Mr. President, I hope that my colleague from Mississippi and my colleague from Michigan, if they

agree with this amendment, would also be amenable to adding this amendment, if there is a compromise, which I believe there will be, to either the gift ban or the lobbying ban or the combination of the two. I would appreciate their consideration on that.

Mr. President, I will not ask for the yeas and nays because I have some anticipation that this amendment may be agreed to by both sides, although Senator GLENN, who has worked on this issue extensively, would probably want to be involved in the consideration of this amendment.

Also, Mr. President, let me mention that there was a hearing held, thanks to the distinguished Senator from Alaska, Senator STEVENS, in the Governmental Affairs Committee. I do not think there was any doubt that the testimony presented in that hearing was clear that this law long ago outlived its usefulness, if it ever had any.

So I want to thank the Senator from Mississippi for supporting this amendment. I hope that the Senator from Michigan can. And although we could bring this legislation freestanding, I think it might be appropriate as an amendment on this bill since this legislation is an attempt to do away with some practices to which the American people object.

Again, I want to congratulate the Senator from Mississippi, the Senator from Kentucky, and the Senator from Michigan, as well as Senators FEINGOLD and WELLSTONE. I hope we can reach an agreement on this gift ban issue. I do not think it reflects great credit on this body when we seem to be arguing over whether \$20 or \$50 is an appropriate amount of money to purchase a vote of a Member of Congress. I hope that we can reach some level of accommodation and comity so that we reflect well on this body and the Congress as a whole.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me be brief, while the Senator from Arizona is on the floor. I am not as familiar with the amendment as others on the Governmental Affairs Committee, so I cannot comment at any length on this point.

I just have one question I would like to ask the Senator from Arizona, however, and that is, I believe Senator STEVENS has suggested some language which had been added to one version of the amendment which would have allowed, I believe, the past experience of the legislative staff to be considered at the time of the appointment. I am not familiar with the language, but I am wondering, I gather that language is not part of the Senator's amendment. We are trying to get hold of Senator STEVENS relative to that language. I understand Senator PRYOR has not yet arrived at the Capitol. I know that he had an interest in this legislation as well. I do not know what his position is

relative to the amendment, however, and I do not want to suggest that he opposes it. He might not. I just do not know. He is en route to Washington from Arkansas.

I just make those two comments for the information of my friend. Particularly I do want to alert him to the fact that I understand Senator STEVENS did have language which was added at one point which was not in this form. We are trying to alert Senator STEVENS so he will be aware of it.

Mr. MCCAIN. I thank my colleague.

Mr. LEVIN. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I would like to offer a few comments this morning in support of the legislation dealing with lobby disclosure and gifts for Members of Congress.

I think it is clear that the level of cynicism and disillusionment of the American people about the performance of Government and the integrity of public officials has reached rather historic heights. I think what helps fuel that sense of outrage is the public sense that the system is not serving the public good but instead is being manipulated by so-called special interests that serve their own ends. I would like to take a few moments to talk about the special interests and this anti-Government feeling that is so pervasive throughout the country.

It seems to me that the word "politician" over the years has always been taken in a negative fashion. We hear radio commentators, for example, talk about "the politicians." It is not said in a complimentary sense but rather a negative one. I have always preferred to use the phrase "public official" or "public servant," because I think that is basically what we are sent here to be, and that is to serve the public's interest. Again, the word "politician" has that negative connotation or spin, and I suspect the words "lobbyist" and "special interest" fall in the same category.

Everyone who serves in the House and Senate understands that we are not specialists. We are great generalists. Perhaps in our past lives as private citizens, we had some degree of specialty. Mine was as a trial attorney. I tended to specialize in certain fields within that practice of trial work.

Coming to Congress, I no longer was able to specialize by virtue of the fact that I had to have a much broader view of things. I had to try to make myself as knowledgeable as possible in a great variety of areas.

So I became, like most of us here, a generalist. Of course, we are all familiar with the expression that a generalist is someone who reads less and less about more and more until he knows absolutely nothing about everything. I do not think we all fall in that category but, nonetheless, we often have to float along the top of issues by virtue of the very volume of issues we are

required to confront. So when we hire people to work for us, our staff members, we try to hire the best and brightest to make sure that they are well informed on the issues that we are going to confront during the course of a legislative session.

Lobbyists also play a very important role in our system. They are not to be derided or denigrated or criticized or condemned. They, in fact, are hired as experts to represent the people who, indeed, have special interests that come before the Congress. The notion somehow that special interests are anti-democratic could not be more wrong. Indeed, our Founding Fathers determined that our country was comprised of special interests. Virtually everybody in the country has a special interest.

If you are talking about farmers who want subsidies or other Government programs to assist them in the production of their products, they are clearly a special interest. If you talk about homeowners who wish to have a tax deduction for interest payments on their mortgage, that clearly is a special interest. It is a policy we have adopted to encourage people to become homeowners but, again, it is a special interest. We have business men and women who would like to have accelerated depreciation schedules so that they can continue to modernize their businesses. That is a special interest. You can go to any facet of our society, and virtually everyone has a special interest in Government policies.

Perhaps one of the clearest examples of this came about many years ago when I was flying on Delta Air Lines from Bangor to Washington. As I boarded the plane, a flight attendant stopped me, and she said, "Are you bothered by all of those lobbyists down in Washington every day?" I could see by her facial expression that she, in using the term "lobbyist," saw them as some sort of evil affliction upon our system.

I said, "Frankly, I am never bothered by a lobbyist in Washington." The only people who lobby me intensely are flight attendants who insist that I preserve their tax-free travel status. There was a measure under consideration by the Senate Finance Committee some years ago to tax so-called fringe benefits. Many flight attendants, instead of receiving direct compensation, get free travel benefits for themselves and their spouses. Congress was considering taxing those benefits as income. So every time I got on the plane, guess what happened? I was lobbied by the flight attendants, saying, "Please do not touch our tax-free travel benefits."

A point I was trying to make to the flight attendant was that she, in fact, was a lobbyist. She was lobbying me, as were her colleagues, on each and every occasion I got on a plane. It was another case of lobbying on behalf of a particular special interest.

So we have this notion that somehow lobbyists are an evil upon the system—that is wrong—and that special interests are somehow also something to be condemned, when, in fact, they are an inherent part of our system. People organize along the lines of their special interests. We can see many people here in the galleries today, visitors to Washington. They may be on school vacations or family vacations. They come to the Senate and to the House to sit in the galleries to look upon the system at work. For the most part, they cannot take the time out of their daily lives—and they probably cannot afford it—to be lobbying Members of Congress on a regular basis. But they may have a very special interest. They may have a very special interest in legislation that will have a major impact upon their businesses, upon their professions, upon their lives. And so what many are forced to do, by circumstances, is to hire an expert, hire a trade association, or hire a law firm that has developed expertise over the years to better articulate their viewpoints and to bring their views to the attention of the legislators who are elected to represent them. That is all part of our system. That is exactly what the democratic system is all about.

The difficulty, of course, comes when there is a misperception that it is the special interests who hire the lobbyists who are gaining access and unfair advantage over the general commonweal, the general public good. That is where the cynicism starts to set in when there is a perception that just a few key people are being paid very high dollars in order to shape and influence and alter public policy in ways that are very damaging to the overall good of the country.

That, Mr. President, is why we are here today to talk about lobbying disclosure, because the current system is simply a sham. It does not work. The laws are confusing, vague, overlapping, and duplicative. They require some to register—not many. Those who do register file information which is virtually meaningless. And so the cynicism starts to set in once again.

We can recall that during the last Presidential campaign, when Ross Perot started to call the attention of the American people to those high-priced lobbyists and special interests in Washington controlling the destiny of the American people, he struck a cord, a deep cord of public approval. What we need to do is to reform the system in a way that provides uniformity, that provides simplicity, and that provides clarity. Those are the goals that Senator LEVIN and I have been striving to achieve for several years now.

Frankly, we found during the course of the hearings on this legislation that there was not great disagreement from the lobbying community itself. They were, in fact, eager to have some piece of legislation, comprehensive in nature, that would lay out with clarity

exactly what are their responsibilities. So we tried to address the issue of who is required to register? Who is being paid to lobby? How much is that person or organization or firm or association being paid to lobby? And to lobby on what?

So basically, who is being paid how much to lobby on what? Those were the essential ingredients of the legislation we have proposed in past sessions. Regrettably, there was a good deal of misunderstanding in the final days of the last session that delayed action on the bill. I believe this is an issue that cannot continue to be delayed without contributing to this deep sense of cynicism that continues to exist among the American people.

It is my hope that as we discuss this today, and focus, also, on the issue of gifts, we can reach agreement. I might say that few of us believe that any Member of this body or the other body is going to be corrupted by a steak dinner or a pocketknife or some other token that comes through a Member's office during the course of a year. Nonetheless, it is an issue that we have to address.

I think Senator MCCAIN struck precisely the right note when he said we should not be arguing whether the gift limit should be \$20, \$50, or \$100. The issue is whether there should be any at all. Should we try to remove the seeds of discontent, even though we feel that it has been perhaps mischaracterized, that it is a false perception? Nonetheless, it is a deeply held perception, so we ought to remove it.

Mr. President, Senator LEVIN and I have proposed an amendment to the lobby disclosure bill which is designed to meet the objections of our colleagues. We think that it fairly does that. First, as Senator LEVIN already indicated, the grassroots lobbying provisions that were included in last year's conference report that caused such controversy are no longer included in this bill. They are excluded. The pending amendment would go even further to the extent there is any uncertainty on this point. It provides additional clarification that the bill does not apply to grassroots lobbying or other communications made by volunteers to express their own views.

The amendment also doubles the thresholds when individuals or organizations are required to register as lobbyists. It eliminates the provisions that would establish a new agency to administer and enforce the law. It maintains the current system of having reports filed with the Secretary of the Senate and the Clerk of the House.

I understand the concern on the part of our colleagues, who say, "Here they go again, another new layer of bureaucracy. Here is a brand new agency that is going to be created with all the attendant levels of bureaucratic delay and redundancy." I think there was a measure of merit to the concern. Our problem was that we did not know where to put the repository for the re-

ports. We have agreed, however, that we do not want to complicate this matter and create another bureaucratic layer of duplication for the people who have to file. So we have agreed to eliminate that provision.

Finally, the amendment would strike the enforcement provisions and, instead, provide the Secretary or the Clerk to notify lobbyists who may be in violation, and refer possible violations to the appropriate U.S. attorney if no corrective action is taken.

We have tried to accommodate our colleagues' concern that this is somehow going to turn into a witch hunt of lobbyists who might have made innocent mistakes. That is not our intent at all. I have tried to indicate by my own comments that I believe lobbyists provide a valuable contribution to the legislative process. We, frankly, cannot function effectively without having lobbyists who represent "special interests," who are in fact the American people. We need their expertise to be brought to our staffs and to us, and to weigh their views. That really is what we are elected to do—to weigh the relative merits of the case made by those advocates who are hired by the American people to come to us to urge a particular position.

As long as a system is open to everybody, the American people will benefit. The danger is when there is a perception that only a few big lobbyists are getting through, only a few big special interests are getting through, only the ones who can afford to hire the high-priced individual can get through. That is where the cynicism comes in, and that is what we have to do our level best to seek to eradicate.

We want to make sure that the public is fully aware of who is being hired, by whom, how much they are being paid, and to do what. As long as there is full disclosure of those activities, then at least there is hope that we can reduce that level of distrust, that level of alienation, that level of cynicism.

Mr. President, I hope as we move through the afternoon's debate that we can arrive at an understanding or accommodation. We have tried to take into account our colleagues' concerns. We believe that we have moved substantially in that direction, to remove any doubts about what the goal ought to be.

I think the goal is shared by all—simplification, uniformity, and clarity. Those are the goals that Senator LEVIN and I seek to achieve, and I believe with a measure of good will demonstrated throughout the day we can arrive at a consensus where there will be virtually unanimous consent for the legislation that will emerge. I yield the floor.

Mr. LEVIN. Mr. President, let me first thank my friend from Maine for the continuing contributions which he has made to political reform.



This bill before the Senate on lobby disclosure is one of three pillars of reform. He has been steadfast in his support of lobby disclosure reform. Whether I have chaired the subcommittee or he has chaired the subcommittee, we have worked together on this through a number of Congresses.

Hopefully, we will be able to pass a strong bill today to put an end to a situation which breeds total disrespect for law. We have a number of laws on the books that purportedly require lobbyists to register and disclose but are both a sham and in a shambles—and have been that way for decades.

Hopefully, we will not only pass a strong bill here today on lobby disclosure and lobby reform, but we can at long last get a bill that passes the House, gets through a conference, and gets adopted by both Houses in exactly the same form. When that happens, I am sure we will be celebrating together just as we have worked so hard together through this past decade and a half on this and so many other subjects. I want to thank him for his leadership in this area.

Mr. WELLSTONE. Mr. President, I will be relatively brief. First, I thank Senators LEVIN and COHEN for their very fine work, and I am very pleased to be an original cosponsor. As all of my colleagues know, we have taken up lobbying reform first and then later we will take up the gift ban legislation.

I think both Senators make a compelling case. We really have not made any changes since the late 1940's—I think, since 1948. The point is, for those that are paid to lobby, whether lobbying legislators or members of the executive branch, this is part of the way in which we conduct politics in Washington, DC. People in the country have a right to know who is being paid to lobby and have a right to have some understanding—or a clearer understanding, let me say—of the kind of scope of those activities. I think that is what we are trying to do in this lobbying reform effort.

Mr. President, again, I think this goes to the heart of accountability. I think it goes to the best of good government. I certainly hope that this very important lobbying reform effort will bear fruit and we will pass a reform measure.

Senator COHEN said it well as I was coming in. I believe what I heard him say, that it was absolutely nothing to do with the denigration of the work of any particular lobbyist, that is not it at all. It has much more to do, again, with just making sure that it is a political process that is open and accountable. That is the issue.

I commend both Senators for their very fine work, and say that I am very proud to be a part of this. It is also true, Mr. President, and I want to be clear, we will take up gift ban later on. That is not what is on the floor right now.

We have two different amendments—two different initiatives—that we will

be dealing with separately. I do think, however, there is an important connection, namely, as we move forward and pass—and I believe we will, I believe we must—a comprehensive gift ban reform and as we put some restrictions on this. It is very important. Obviously, if we are going to have some very clear restrictions about what lobbyists can give, then it will not work if only a small fraction of those who are actually paid to lobby are ever really listed, or if we do not have a clear idea as to who the people are who are getting paid to lobby, or we have no clear idea of what their scope of activities are. Those measures, in a policy sense, are very closely related.

Mr. President, the last point—and let me again point out for colleagues that gift ban is later; right now it is lobbying reform. One more time, in 1994, 88 current Senators, 85 veteran Senators and 3 of the 6 freshman Senators who served in the House of Representatives in 1994 voted in favor of the comprehensive gift ban bill which we will have on the floor tonight or tomorrow. I just would say to those Senators that I think there was a reason for that kind of broad-based support. I hope people will not retreat from that or essentially change their positions or flip-flop, or whatever characterization can be used.

Mr. President, this is an issue that people in the country feel very strongly about. I think it goes beyond just the gift ban reform. I think it has more to do with the very strong sense that people have about politics in Washington.

The Senator from Kentucky and I have many disagreements in these different areas, but I personally think—and I apologize to the Senator if I am being presumptuous—but I personally believe there is one very strong area of agreement, which is that neither Senator would be in public service if we did not believe in our work. I reject the across-the-board bashing and denigration of public service, whether it is Democrats or Republicans or Independents. I think it takes us nowhere good as a nation.

My very strong feeling about this is that the sooner we move forward and pass what I think would really be some strong reform measures, credible reform measures, that changes some of the political culture in the Nation's Capital, the better off all will be. We need to let go of it. I think people want us to let go of it. I think we have at the moment, whether tonight or tomorrow or whenever we get to gift ban, some very major differences.

I say to my colleague later, when we get a chance to debate this, because I do not want to move in on the lobbying reform time, but I think that at the moment, at least, the Republican proposal has just some gigantic loopholes, large enough for a truck to drive through.

Later on tonight, not now, Mr. President, I will include an editorial from

the New York Times on Saturday called "Republican Gift Fraud." Frankly, before it is all over, I think we can pass a strong comprehensive gift ban legislation.

To give but one example, if we essentially say any gift under \$100 is fine, lobbyists or others, and it does not aggregate, in theory, every day of the week someone can be taking Members out or paying for a ticket to an Orioles game or whatever. This is where there is agreement and disagreement.

On the agreement part, I do not actually think that Senators "are for sale." I do not look at any of this as sort of representing the wrongdoing of individual officerholders. I just do not believe that is what it is about. But at a systemic level, I must say that what people of Minnesota say to me is, "Look, Senator, people do not come up and ask to take us out to dinner."

Mr. MCCONNELL. Will the Senator yield?

Mr. WELLSTONE. Does the Senator from Kentucky have a question?

Mr. MCCONNELL. I want to commend the Senator for his observation, because I do think there is a lot of rhetoric about people selling influence for lunch. I appreciate the observations of the Senator from Minnesota that is clearly not the case.

I also think that the only thing I agree with my friend from Minnesota about is, I think, on the gift issue, it is time to get it over with one way or the other. I think it is time to make a decision. I think we will have a good debate about what is appropriate; hopefully in restrained tones, without a lot of implications that things are going on that are clearly not going on.

So I commend the Senator from Minnesota for his observation that any such suggestions that Members of the Senate are selling influence for lunch are absurd. And I hope we can have a high-level, appropriate debate on this issue. Second, I agree with the Senator from Minnesota, I think it is time to wrap it up on the gift rule and, hopefully, we will be able to do that later tonight or first thing in the morning.

Mr. WELLSTONE. Mr. President, I thank the Senator from Kentucky again. I said to my colleague from Michigan I did not want, now, to make gift ban the focus. We are now on lobbying reform. Of course the disagreement the Senator from Kentucky and I have, and I think also with the Senator from Michigan and others, that while I do not think the issue was the wrongdoing of an individual officerholder, that was my position—while I reject the denigration and the bashing of public service and people who are in public service because I am very proud the Minnesotans have given me this opportunity to be a Senator—on the other hand, I think as I started to say, when people in Minnesota come up to me—you may have had the same thing happen to you, Mr. President—what people say is, "Look, Senator, in all due respect, people do not offer to take us



out. Lobbyists are not asking us to go out to dinner. They are not always contributing tickets for games, they are not paying for us to go to various events in the country, for our travel for ourselves or our spouses. And we do not think it is appropriate that you take those gifts either. Because whether or not this leads to undue influence, it certainly seems that way to us."

I must say that it does become a part of the pattern of influence in Washington. It does become a part of the political culture in this city. And that is what makes it so profoundly wrong.

So, while I am not here to bash individual Senators or Representatives, or point the finger and say that somebody sold out for a particular lunch, I would say in the aggregate this is the way in which business is now conducted that does lead to a situation where too few people have way too much access and way too much say. And too many people, too many of the people we represent, are left out of the loop. That is why I think this will be such a fundamental debate later on.

Mr. President, we may get to it tonight or we may get to it tomorrow. I think we ought to be voting one way or another and we ought to be held accountable.

Again, I say to all of my colleagues, last year, 85 Senators and 3 of the 6 freshman Senators who served in the House, voted for this measure that Senator LEVIN, myself, Senator FEINGOLD, Senator LAUTENBERG, Senator MCCAIN and others have worked on. So I do not see why in the world now, especially when everybody has been talking about reform, there would be a retreat from this.

The majority leader himself, I think, last October 15 came out on the floor and said: No lobbyist lunches, no entertainment, no travel, no contributions to legal defense, no fruit baskets, no nothing. It could not be clearer. We will get to that later on.

At the moment, I say to colleagues, I hope there will be a coming together over the next couple of days. First, we will pass a good, strong, lobbying reform effort. This is very significant, what Senator LEVIN and COHEN have been working on. This goes to the heart of a really important reform issue that, by the way, people in the country care fiercely about.

It is not true that people in the country are not focused on good Government, are not focused on making Government more open and more accountable. This goes to the heart of that. So I think it is imperative that we come together and pass a strong reform effort in the lobbying reform area.

The same thing could be said for the gift ban, Mr. President. The same thing can be said for the gift ban. For my own part, I would like nothing better than to see Senators on both sides of the aisle come together and support two major reform initiatives in these two decisive areas, lobbying reform and gift ban.

On the other hand, when it comes to gift ban, given what I have seen on the Republican side so far, I do not view that as a step forward. I view it as a great leap sideways or backwards. If that is the case, then we will have a major, major debate and then all of us will be held accountable. But I say to colleagues: People in the country are serious about this. I think we can come through for people.

If we do, I think it will be good for the Senate. I think it will be good for the political process, the legislative process, in the future—in the distant future when many of us are no longer serving here. I think we can feel like we made a huge difference. And I certainly think it will go a significant ways toward restoring some confidence that I think people yearn to have in our political process.

The missing piece is the campaign finance reform piece which I also hope we will take up later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank our colleague from Minnesota for the tremendous energy and leadership which he has displayed in a whole host of reform efforts; first, on the gift ban, but also very actively involved in lobbying disclosure reform as well, and campaign finance reform. Those three reforms are the three most critical reforms that we need around this place if we are going to restore public confidence in Government. It is at a low point. It is tragic when that occurs. When public cynicism runs deep about a democratic Government, Government has to act to restore that public confidence. That is what we are in the midst of doing.

That famous handshake between the President and the Speaker of the House in New Hampshire was over that issue, reform. They spoke about a lot of other issues. They spoke about welfare reform and they spoke about a whole host of issues at that meeting with seniors. They talked about Medicare and Medicaid and Social Security. But when it came down to a handshake, where they reached to each other and said we have a deal, what that deal related to was political reform.

The people want us to change the way we do business in Washington. They want to feel, and they are entitled to feel, that this Government is their Government. When the public opinion polls show that the majority of Americans feel that lobbyists are the real power in Washington and only 22 percent think Congress is the power, and 7 percent think the President is the power, we must act to restore confidence that in fact their elected representatives will control the power in Washington.

Lobbying reform is the first item we are taking up. Hopefully, again, we are going to be able to do what no Congress for the last 50 years has done, which is to plug the loopholes in lobby disclo-

sure laws which have resulted in these laws being useless and probably worse than useless.

How could a law be worse than useless? First of all, its presence on the books, if it is ignored, breeds disrespect for law. If the public is told there are lobby disclosure laws on the books, which there are, and if it knows most paid lobbyists do not register because of the loopholes in the law, then those laws are worse by being there than if they were not there at all. Better if you have no laws than to have laws that are such a sham and in such a shambles. Nothing breeds disrespect much more for law than having a law on the books, which is aimed at doing something, which totally fails to do something.

Another reason why it is worse than nothing to have those laws on the books is because it is producing ream on ream of paperwork, which takes time to produce, time to prepare, time to file, time to maintain, and which is giving us almost useless information, information which is not in a form which is useful to anybody. So we know probably a majority of the paid representatives in this town are not registering because of the loopholes in the law and those that do are giving us information which is not in a form which is usable by anybody.

So what we are engaged in here is to try to address the first big, major reform which is required if we are going to restore public confidence in Government and that is the lobbying disclosure bill, which is a bipartisan bill. Let me emphasize this. Senator COHEN has been working with me, Democrats and Republicans have been working on this issue, for a long time. The same thing is true with the gift ban. We have Democrats and Republicans who are supporting a strong gift ban.

So we are going to continue to try to work together today to see if we cannot finally pass a lobbying disclosure bill, and then once that is addressed and once that is resolved move on to the gift ban legislation.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just reinforce one point that Senator LEVIN made. Again, I do not know anybody in the Senate that has provided more leadership for reform of good government than the Senator from Michigan over the years.

I do not know if it is the conventional wisdom here any longer, but at one point in time I think the conventional wisdom here in the Congress, Representatives and Senators, Democrats and Republicans alike—I make a nonpartisan point here—was these reform issues, lobbying disclosure reform, comprehensive gift ban reform, and also campaign finance reform. But let me take the lobbying disclosure reform and gift ban reform.

I think that unfortunately too many Democrats and Republicans alike believe that these reform issues are of interest to "goo-goo," good government, people. There has been a certain cynicism about it. But it is just not true. There have been a lot of public interest organizations that have been at this for years—Public Citizen, Common Cause. You could go on and on. But the much more important point is that people yearn for good Government. They yearn for a political process they can believe in. These are no longer, if they ever were, reform issues. These are really issues that people talk about in their kitchens and their living rooms. I just think that we make a huge mistake when we try to stonewall the change.

So my hope, starting with lobbying disclosure reform and then with comprehensive gift ban reform, is that before the debate is over, we can in the next several days be very proud, all of us, that we will have made some huge changes, significant changes, positive changes. I think, if there is stonewall, to come up with measures that sort of have the label of reform but the closer you look at them the more dubious they are—in fact, they do not meet the credibility test—I think the worse off all of us will be.

So let us start with the lobbying disclosure reform. I say to the whip, let us move forward, let us come together, and let us pass something that we are all proud of. Then let us try to do exactly the same thing with comprehensive gift ban reform.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I indicated earlier I think we can see the light at the end of the tunnel in terms of the lobby disclosure bill. The Senator from Michigan indicated Friday afternoon, as he has further indicated this morning, his willingness to make some adjustments that I think move us a long way toward a truly bipartisan lobby disclosure bill.

The Senator from Michigan indicated that he is willing to double the threshold in terms of definition of a lobbyist from 20 percent of time spent over 6 months. That is something we are actively discussing now at the staff level in the hope of resolving it. The Senator from Michigan is also willing to double the threshold for registration and reporting by organizations. That certainly is a step in the right direction of protecting people's ability to petition the Congress. And the Senator from Michigan is making further efforts to clarify the grassroots lobbying communication exemption. Of course, that is critically important. These folks have constitutional rights, too, and deserve not to have them walked on by the Congress.

In addition to that, I think an important step in the right direction is the

elimination of a new Government agency. Frankly, Mr. President, the last thing we need to do in this almost \$5 trillion debt environment is to create yet another Government agency with yet more responsibility. It seems to me, the whole thrust of the 103d Congress is to go in the direction of less government. And clearly this bill ought to be consistent with that.

Mr. President, let me say that I think we need to reform our lobby registration and disclosure laws. I think we are on the threshold of being able to accomplish that in a way that does not unduly interfere with the rights of citizens, whether they are paid or not paid, to petition the Government because the courts make no distinction. You do not waive your constitutional rights because you are paid to represent a group that may be too busy to come to Washington. That is what lobbyists largely do, represent American citizens who choose not to become experts on legislation and employ someone else to speak for them. There is nothing un-American about that. Under the Constitution, we have the obligation not to interfere with this constitutional right to express ourselves that each of us enjoy.

Mr. President, with regard to the original bill, S. 101, the bill had set up a new Government agency. As I said earlier, we commend the Senator from Michigan for discarding that. It seems to me that clearly was not a good idea, and that moves us in the direction of passing this legislation.

The original bill, in my view, would have chilled the exercise of constitutional rights, and would have caused some who were inclined to contact the Congress with their views to simply refrain from doing so because of the fear of prosecution. The disclosure and reporting requirements in the original bill were clearly elaborate, and apply to virtually anyone with business before the Congress. And that would have the effect of keeping people from expressing their views to us. From my perspective, that is exactly the wrong message to be sending to the American people. We should welcome them to Washington. We should be glad to receive their views. We should not be making it so difficult for people to communicate with Congress that they choose to stay home and avoid telling us how they feel.

Third, the original bill, it seems to me, had some difficulties with regard to creating a patchwork of lobby regulations. It contained a host of exemptions that did not make sense. For example, why are public officials exempt? If the American people have a right to know how much the American Soft Drink Association, for example, spends on lobbying, then why not the city of New York, the State of California, or the U.S. Conference of Mayors?

Fourth, the original bill touched on grassroots activity. That goes down a road we do not need to go. And the Senator from Michigan is trying to

make adjustments to clear that up. I commend him for that. We are working on that at the staff level as we speak to try to further clarify where we may be on that so that we can move forward with a compromise.

I have been working on an alternative. My alternative is clear and consistent. And most importantly, it is simple and will get those who lobby Congress registered so the public knows who is influencing public policy. Let me explain what the alternative I may propose would do.

First, the main problem with the lobby law is that it only reaches contacts with Members of Congress. Clearly, we all agree that those groups and individuals who contact Congress for the purpose of influencing matters pending before Congress, even if they contact staff, should be registered. So our alternative would apply to those who make more than a single contact with legislative branch officials on behalf of a client for the purpose of influencing any pending matter before Congress. And any pending matter means more than legislate. It means oversight hearings, investigations, and anything that is within the jurisdiction of a Member of Congress. The definition of lobbyist also includes the preparation and planning for lobbying meetings.

But where we disagree with the Senator from Michigan, at least in his original version, is the amount of time spent on lobbying that it takes to meet the definition of lobbyists. The Senator from Michigan has moved in our direction. I want to commend him again for that by raising the threshold to 20 percent of his or her time lobbying, therefore bringing you within the scope of the bill. Our concern is that such a definition could catch within its net those who work outside of Washington who have very limited contacts with Congress. So the definition I would prefer is to set the threshold at 25 percent. But obviously we are not too far apart here, a difference between 20 and 25 percent; that is, someone who spends one-quarter of his or her time, or a substantial part of his or her professional life, lobbying would then fall within the requirements of the alternative.

Another major difference is the scope of our bill. Senator LEVIN's original bill would reach executive branch lobbying as well as Congress. To accomplish that, Senator LEVIN in his original bill created a new Federal agency to enforce and administer the law. We part company with the need to address the executive branch lobbying and the establishment of a new Government agency to enforce the new law.

Now the Senator from Michigan has taken a different tack on that at this point, and I am pleased he has. I think that certainly makes it much more likely we can finish up this legislation on a bipartisan basis. As I indicated earlier, the American people did not send us here to create more Federal Government, and the movement away

from it is certainly welcomed, certainly by me and I think many on both sides of the aisle.

The Secretary of the Senate and the Clerk of the House are well suited to continue receiving lobby registration forms. These offices can improve the dissemination of this information, making it more user friendly for the public. That is what our alternative aims to do.

As far as the executive branch coverage, an item we are still discussing here as we hope to work this matter out, my view is it is just not necessary. Contacts with the executive branch are highly regulated under the Administrative Procedure Act. Regulations are formulated by a very detailed process that allows interested parties to participate. And Congress always has oversight and legislative power over regulations issued by Agencies. Administrative adjudication is also a formal process.

Moreover, we know from the experience of the health care task force run by the First Lady that efforts by the executive branch to make policy in secret generally backfire anyway. And a legal challenge has resulted in that particular case in all of that information becoming public.

So, Mr. President, from our point of view, we should clean up our own house. Let us get the right coverage of lobbyists who lobby us here in the Congress. Let us get information related to their work properly available and disclosed to the public. Let us not make registration and disclosure so cumbersome that we signal to the American people that their voices are simply not welcome here in Washington. We want their input. We encourage Americans to join organizations that represent their views, and we hope they will let us know what they think.

When James Madison wrote Federalist No. 10, he envisioned a competition of ideas from, as he put it, "factions." Today, we would call those factions lobbyists. We who are elected to represent our constituents are called upon to build consensus among the various factions. Where we are unable to build consensus, we are called upon to choose from among the competing ideas put forward by the lobbyists or, if you will, the factions.

So there is nothing wrong with lobbying. It is not an evil thing. It was envisioned by the Framers. It is part of our Constitution's first amendment which protects free speech and petitioning the Government with grievances.

And finally, while lobbying is an honorable profession, we want to make sure that those who abuse the public trust they hold as lobbyists are punished for their misdeeds. We propose to let the U.S. attorney prosecute those who violate the law. The first offense would be subject to civil sanctions and subsequent offenses would be subject to criminal penalties. We want lobbyists to register; we want their activities

disclosed, but let us not chill protected constitutional rights in the process.

Mr. President, the discussions on this matter are proceeding. And again, let me say we are hoping we can achieve at least close to a consensus on the lobby disclosure bill which we can pass by an overwhelming margin sometime later today or tonight.

Mr. President, I do not see anyone else wishing to address the Senate. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCAIN). Without objection, it is so ordered.

Mr. LOTT. Mr. President, there are active negotiations underway on language in the lobby reform bill. I think we are making progress and some important changes and agreements have already been reached. There are a few areas where, obviously, there is still some disagreement or some lack of clarity as to what it would do.

Since the principals are here on the floor, it would be helpful, I believe, if we go ahead and recess until a time certain to allow the principals in this legislation to talk directly.

Also, we hope, when we come back in after that recess, we will be able to get an agreement on a specified time, agreed-to time to vote on or in relation to the McCain amendment. It may be other amendments will be ready at that time, but at least we would like to get an agreement to get a vote at 5:45 on the McCain amendment.

#### RECESS

Mr. LOTT. Therefore, Mr. President, I now ask unanimous consent the Senate recess until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate stands in recess until the hour of 1:30 p.m. today.

Thereupon, at 12:47 p.m., the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

#### LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 1060.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know this afternoon we will be focusing on the lobbying disclosure reform effort. Senator FEINGOLD and I, of course, are strong supporters of that,

as are Senators LEVIN and COHEN, and others.

I ask unanimous consent that we might have up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMPREHENSIVE GIFT BAN LEGISLATION

Mr. WELLSTONE. Mr. President, this is a discussion the Senator and I choose to have now, possibly tonight, and then I would imagine through tomorrow as well. We will be involved in I think a major debate about the gift ban reform effort.

I thought that the Senator from Wisconsin and I might talk a little bit about what is at issue here. I will start out for a few moments, and then we will go back and forth. I have some questions which I want to put to the Senator, and I think he has some questions he wants to put to me as well.

Mr. President, just to be crystal clear, there is no question in my mind that people in the country really, as I have said before, yearn for a political process that they can believe in, one that really is accountable, that is open, and that has real integrity.

We have been working on a gift ban. I ask the Senator from Wisconsin how long we have been working on this comprehensive gift ban legislation with Senator LAUTENBERG and Senator LEVIN.

Mr. FEINGOLD. It seems like we have been talking about it for about 2 years. We sort of came to this in different ways. I got here in the Senate, and I just knew that as a State senator from Wisconsin, we had a law that said you cannot even accept a cup of coffee from a lobbyist. I understood that in the 10 years I was in the State senate. I was a little surprised to find out they did otherwise here.

So we put this in effect for myself and my staff, and then I found out independently that the Senator from Minnesota, from another reform-minded State, was working an overall bill that would apply that to all Members of Congress. We obviously crossed paths and thought that would make sense as part of a broader effort to try to get the influence of big private money a little bit more out of Washington. We got other supporters as time went on. That is how it really started.

Mr. WELLSTONE. Mr. President, let me go on to say to my colleague that we have become close friends. We come from a similar part of the country, and we come from reform-minded States.

It is interesting. I became interested in this initiative because shortly after I had been elected, I was on a plane. A guy came up to me, without using any names, by the way. I will not for a moment say there was anything about the conversation that I would call corrupt. But he came up to me and asked me whether I liked athletics. I said, "I love

athletics. My children and I have been involved in athletics, and Sheila and I just love it." He said, "Senator, we would be very pleased for you to have tickets. We represent a certain industry, and we have tickets for all sorts of different games," and everything else. I thanked him. Then I sat down and started thinking to myself. I was a college teacher for 20 years. I had been on this plane, you know, a few times and nobody had ever come up to me and asked that point. I thought, What is it that has changed? It must be the institutional position.

Mr. FEINGOLD. If the Senator will yield, I had a similar experience when I first became a member of the Wisconsin State Senate. Nobody had ever come up to me on the State capitol ground and said, "Senator, do you like lobster?" About a week after being a member of the State senate, one of the lobbyists came up, put his arm around me, and said, "We are just delighted to have you here, Senator. Do you and your wife enjoy lobster tail?" It took me about a minute to realize what was going on. Being from Wisconsin, that was illegal. It is not, though, at the Federal level. But it sort of dawns on you that suddenly people are a little more interested in socializing and buying you dinner possibly because you have been elected to public office.

Mr. WELLSTONE. Mr. President, let me go on and engage in a discussion with my colleague from Wisconsin, Senator FEINGOLD, about what is at issue here. S. 101 is the comprehensive gift ban measure.

By the way, Mr. President, 88 Senators—the Senator from Tennessee would be excluded because he was not in the Senate or the House last Congress—but 88 Senators voted for exactly S. 101, this comprehensive gift ban initiative.

Again, I say to my colleague, it is extremely important in terms of the public, in terms of our connection with the people we represent, that people hold strong with this position. One of features of S. 101 on the gift ban is that we simply say when it comes to lobbying—let us just talk about that—there are just no gifts, period. We have a \$20 minimum.

The McConnell initiative allows lobbyists to give Members an unlimited number of gifts up to \$100 each. As it turns out, I thought at one point in time that this meant every day a lobbyist could take the Senator from Wisconsin or the Senator from Tennessee or the Senator from Minnesota out for a meal here in Washington, dinner in Washington, or a ticket to an Orioles game, or whatever the case might be, and that every single day, as long as it was up to \$100, it could be done in perpetuity because there is not even an aggregate limit.

Now, as it turns out, it is per occasion—breakfast, lunch, dinner, much less all sorts of things per occasion. Lobbyists can give us gifts as long as it is under \$100, and there is no aggregate limit.

Mr. FEINGOLD. I would like to quantify that example. Under the strictest interpretation of the McConnell proposal, the one that would change S. 101, even if you interpreted it to mean that you could only give \$100 a day of food and wine and so on, it would mean that every lobbyist and every individual could give each Member of Congress \$36,500 of those kinds of things. And is not the Senator really saying that is not even what it means, that it is worth more than that, more than \$100 a day per person for everyone in the universe, for every Member of the Congress?

Mr. WELLSTONE. The \$100 adds up to \$36,500 a year.

Mr. FEINGOLD. Per person.

Mr. WELLSTONE. So actually we do not even have a \$36,500 limit.

Mr. FEINGOLD. That is the strictest interpretation.

Mr. WELLSTONE. That is the strictest interpretation of what we have in the McConnell-Dole initiative.

I say to my colleague from Wisconsin that I would view this not as a great step forward but a great leap backward.

Mr. FEINGOLD. I agree. If the Senator will yield, you can argue that this is just slightly tougher than current law that says that if a gift is over \$100, or a meal is over \$100 and it is less than \$250, I guess you can accept it but you are banned from over \$250. But the contributions under \$100 do not count. They do not count toward that. This puts into the law forever a permission, a right, if you will, to take anything up to \$100 a day from everyone.

So it really is worse because it formalizes potentially in a statute as opposed to a resolution, depending on how it comes out, this practice as something that is permitted and maybe even encouraged in Washington.

Mr. WELLSTONE. So this alternative McConnell-Dole proposal, in the name of reform, in many ways essentially solidifies, if you will, the culture of politics as we know it right now in the Nation's Capital.

Let me go on and ask my colleague a couple of other questions.

By the way, I would say this alternative proposal that we have takes us a long way from I think what the majority leader on October 15 of last year said, which was that "no lobbyists' lunches, no entertainment, no travel, no contributions to legal defense funds, no fruit baskets, no nothing."

This proposal that we now get from the other side certainly takes us a long way from that.

The second part of this proposal would allow privately financed vacation trips in the form of charity golf, tennis and ski events to be accepted by Members from lobbyists, as I think we could accept that for ourselves, our spouses, our family.

I would ask my colleague. This is the alternative proposal. Does he see this as reform or does he see this as having that sort of, if you will, look of reform

but, again, an open-ended proposition where we have lobbyists and special interests paying for skiing, paying for tennis, or paying for vacations for ourselves and our families?

Mr. FEINGOLD. If the Senator will yield, I think he correctly identified the other day that there are two provisions in this McConnell proposal that really gut the bill from having the name "reform" properly attached to it.

You can call anything you want reform—welfare reform or health care reform. Unless it changes things positively, it is not that.

Really, these two provisions, the one the Senator talked about in terms of \$100 a day and the allowing of charitable trips to be determined not by an across-the-board rule or any real standards but just by the Senate Ethics Committee, which is, of course, controlled and in fact is constituted by Members of the Senate, it means you are really not taking away any sort of strict rule that says we are not going to allow that at all.

So I think the combination of those two provisions makes it impossible to call this reform but at best window dressing, and I think the American public would be very distressed to learn what is still permitted under either the travel portion or the meals and gift provisions.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wisconsin that if we want to as Senators support different charities, I think it is important we be there at these events. I think there is a way in which Senators, Democrats, and Republicans alike, have an important role to play. But the point is we should do that on our own expense. If we care enough about those charities, then we pay our own way.

I think that is the point. We do not need to have lobbyists paying our way, in which case then it becomes another big loophole. It seems to me, I say to my colleague from Wisconsin—I would be interested in his reaction—and I said this earlier in the Chamber, I am not interested in across-the-board denigration of public service. I believe in public service. So does my colleague from Wisconsin. So do Republicans and Democrats alike.

It seems to me we ought to let go of these special favors, these perks, these gifts. We ought to let go of it. If you want people to believe in us, if you want people to believe in the outcome of this process, if you want people to have more confidence in the Senate and in the House and in politics in Washington, DC, then let go of these gifts. Would my colleague agree with me?

Mr. FEINGOLD. I agree. I cannot believe that this great institution wants to continue to have its reputation and its history really being besmirched by some of these "Prime Time" programs and others that are able to take what perhaps is an isolated instance in the

case of certain Members of Congress and show them playing tennis with lobbyists and just cast doubt on the whole institution. There have been enough problems already. I really have to believe that this institution will rise up and say we do not want this.

In fact, I say to the Senator from Minnesota, even the lobbyists do not really want this in a lot of cases. I flew out here this morning and two or three of the prominent lobbyists from Wisconsin said, "We hope you win on this thing." They are tired of this expectation that if one telecommunications giant takes somebody out to dinner, does not the other one have to. So they want to be free of this. They want to be professionals, most of them, as well.

If we just have a *per se* rule as in Wisconsin—lobbyists cannot do it; legislators cannot do it—it frees everyone from this sort of murky question of should I really do that even though it does not look very good and seems inappropriate? It is very important for everyone involved. I think in most cases people have the best intentions here. We need the *per se* rule and should not leave it up to the Senate Ethics Committee to say this charity or that trip makes sense or does not.

Mr. WELLSTONE. Mr. President, the Senator from Wisconsin makes an interesting point. I am a little embarrassed that I did not make this point earlier, which is that you talk to many of the lobbyists and they say they would be pleased to see this pass. So in a way, this comprehensive gift ban proposal—I said comprehensive, S. 101 we have been working on. I did not say the alternative, the McConnell-Dole alternative, which frankly does not pass the credibility test. It is not comprehensive. It is not strict and it does not put an end to this practice. I think people will be very angry with it, and therefore I hope actually in the next 2 days we will have reached some agreement that all of us can pass something of which we are proud. Otherwise, it would be a gigantic debate.

If I could just make one additional point, I think this comprehensive gift ban proposal is important, first of all, for the public so they can have more confidence in our process, for all of us, Democrats and Republicans alike, and for the lobbyists. And I say to my colleague from Wisconsin, for me the issue has never been the wrongdoing of an individual office holder. I am glad the Senator put it the way he did. I am not interested in some of these exposes—this, that and the other—which I think kind of miss the mark. I do not see—and I hope I am right—the wrongdoing of a lot of individual office holders, but I think there is a more serious problem and it is systemic.

What this is all about, this comprehensive gift ban proposal is all about, is the fact that some people have too much access. They have too much say over what we do in the Senate and too many people in Wisconsin and Minnesota and Tennessee and

Michigan are left out of the loop. People do not like that. They do not feel well represented. They do not like the idea that certain lobbyists and special interests that those lobbyists represent have so much clout here and they are left out.

That is another reason why I think we have to pass a tough comprehensive gift ban reform. Would my colleague agree that there is campaign finance, there is lobbying disclosure, and there is gift ban—all of these reform measures are almost more important than each of them singularly?

Mr. FEINGOLD. Mr. President, I would agree. I like to call it the circle of special influence in Washington. There are different links in the chain: the gift problem, the campaign finance problem, and the problem of the revolving door, where Members of Congress or their staff members work here and then go to work for special interests and lobbying back right away.

It is only one part of it, the gift ban. But one of the things that bothers me about this gift issue that the Senator mentions is the fact that this involves the access issue. There is a serious problem for any Member of the Senate. The Senator and I represent millions of people. It is so hard to equitably balance distributing your own time for your constituents. It is obviously difficult to meet with them individually. If there is something out there, whether it be trips or meals, that involves a substantial amount of extra time for certain people because they happen to provide these certain things, that distorts our ability to equitably spend time with constituents.

I think it is embarrassing to even have to come out on the floor and talk about this. It seems to me to be so simple that we should just ban it. It is not that we have not wanted to dispose of it. I can assure you the Senator from Minnesota and I and the Senator from Michigan would like nothing better than to have this over with. We do not want opportunity after opportunity to debate this. But there has been a real effort, frankly, under both Republican and Democrat leadership, to move this issue off to the side. We want it resolved.

I would like to just have to no longer be able to point out to people that in my office we have received in the last 2½ years—and this is sort of the small part of this, but it is the really silly part of it—1,072 gifts, from inexpensive calendars to coffee mugs, T-shirts, motor oil, spark plugs, cast iron bookends, a Japanese mask, fruit baskets, cakes, cheese, pecans, sausage, eggs, steaks, almonds, onions, garlic, honey, bread, peaches, sweet potatoes, sugar, chocolate, candy bars, tea, coffee, dates, barley mustard, wine, Girl Scout cookies, and three lollipops.

Do people not have better things to do than to prepare these little packages for Members of the Senate and the House so they can say that they, too, have handed out some goodies to the

Senators' offices? We have serious business to do here. For our staff members to be bothered with 1,072 of these little well-intentioned gifts is just another example how this process does not make sense. And if we just banned it, we would be able to focus more clearly on what we should really be doing, which is the work of the people who elected us.

Mr. WELLSTONE. Mr. President, we have about used up our time. Let me just close this way. The New York Times—I do not know if my colleague saw this—on Saturday had an editorial called "Republican Gift Fraud." And quite frankly—and we have not even begun to look at the Republican proposal, or at least the McConnell proposal—there are enough loopholes in here to drive huge trucks through. I think it is very dangerous to call something reform which in fact maintains this current practice of enabling lobbyists and other professional interests to give us gifts, gifts that we receive and take.

I do not think that will do a thing to restore public confidence in the process, and in fact I think people will be furious to not see this practice ended.

Mr. FEINGOLD. If the Senator will yield, I just want to say that I remember—the Senator and I talked about this—the biggest cheer we heard in the lobby out here in the reception area last year was the moment when the gift ban was defeated. There was a cheer that went up in the room apparently from some of the interests that were involved in this. I can assure you, based on the points made about the McConnell amendment, if that passes, it will again be a victory for those who want to continue the current system. It cannot possibly be called reform, as the Senator from Minnesota has pointed out.

Mr. WELLSTONE. I agree. Let me conclude with an editorial today. Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### PROVE IT'S NOT FOR SALE

Once again, supporters of ethics reforms see the U.S. Senate trying to save an endangered species: the congressional freebie. This week the Senate is bound to act on the long-diverted lobbyist gift ban sponsored by five persistent senators, including Paul Wellstone of Minnesota and Russ Feingold of Wisconsin.

This gift ban measure should pass as is. In fact it has passed previously, only to be put aside in the service of political goals and to mollify senators who believe that free football tickets and golf vacations come with the job.

For all the talk over the last few years about reforms in how Congress conducts itself, it is obvious that the assumption of special privilege is the province of neither a Republican- nor Democratic-led federal legislature. The assumption of personal privilege for lawmakers is so embedded in the institution's culture that giving up perks ordinary citizens do not enjoy has become as

tough as balancing the federal budget. Making the matter more difficult is the fact that senators know they have to be "for ethics reform." So the politics of freebies involves diversion and dilution. The anti-reform dynamic aims to stop a comprehensive ban by pushing one that meets appearances of reform without reducing the flow of trips and free meals.

Also designed to weigh against a comprehensive gift ban is one of the parliamentarian's oldest tricks: send a controversial issue to a committee to be chewed up. The Senate's bipartisan task force on lobbying reform has the potential to assure that the sugary river of senatorial gifts is drawn down one hummingbird-sized sip at a time.

The comprehensive gift ban may cramp some senators' style, but it is an important step in restoring public confidence. The current climate about politics and its practitioners says the Senate must prove it is not for sale, one member at a time, to special interests that provide seats on the 50-yard line and a winter break in the tropics.

Mr. WELLSTONE. Mr. President, this is from the St. Paul Pioneer Press, a paper that both of us in Wisconsin and Minnesota receive. The last paragraph reads as follows:

The comprehensive gift ban may cramp some Senators' style, but it is an important step in restoring public confidence. The current climate about politics and its practitioners says the Senate must prove it is not for sale, one Member at a time, to special interests that provide seats on the 50-yard line and winter break in the tropics.

That is stated quite directly. I think the Pioneer Press speaks for the vast majority of people in the country. Some of it may be perception. I do not always assume because people take gifts that that leads to some sort of awful private deals that take place between lobbyists and Senators. I do not make that assumption at all.

But I say to my colleagues, it is time to let go of these perks. It is time to let go of these privileges. It is time to no longer take these gifts. It is time to no longer have lobbyists pay for vacations for ourselves and our spouses, and we ought to end this. It is time to restore some confidence on the part of the people we represent in this political process.

A lot of our colleagues think that we are the only ones interested in these issues. That is not true. People in the country care fiercely about this. I hope in the next couple of days that there will be lobbying disclosure reform, gift ban reform—maybe there will be give and take, I say to my colleague. Maybe we will come together around some initiatives that will not be everything we want, but I do not think either one of us or any of us who have worked on gift ban are going to accept a proposal that does not meet the test of representing significant reform.

Then eventually—and I thank my colleague for his work on this—we will get to campaign finance reform. When we reform this political process, we will be dealing with the root issue, and the root issue is many, many people in the United States of America have lost confidence in the Nation's Capitol. They do not believe this Capitol be-

longs to them. By God, we have to make sure it does—we have to make sure not only they believe it, but that that is the case, this Capitol belongs to them. This is only one step in that direction, but it is an important one. I hope all of our colleagues will support comprehensive gift ban reform.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE CHILDREN OF BOSNIA

Mr. SIMON. Mr. President, I think it is fairly clear that we are heading toward some kind of a military climax in the Bosnian situation. Precisely what is going to happen I do not know. None of us knows. But there is likely to be more bloodshed in the immediate future, and I hope not a continuation of the constant agony and bloodshed that we have seen these past few years since 1991.

I have a citizen from Illinois by the name of Al Booth who says we took children out of Germany, Austria, and England in the very difficult years prior to and during World War II, saved a great many people, and that we ought to be doing something to save the children of Bosnia today.

It is not simple. I have talked to Bosnian officials. My office has talked to the International Red Cross people. The Red Cross people said if you had taken them out by bus or by any kind of vehicle or by plane, and the plane is shot, there would be substantial criticism. There are at least some in the Bosnian Government who feel that to take the children out almost means you are sending a signal that the Government cannot continue, that it is going to collapse. It is a difficult situation.

At this point I ask unanimous consent to have printed in the RECORD a letter from Al Booth that was printed in the Chicago Tribune about this situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 19, 1995]

#### BOSNIA'S CHILDREN

CHICAGO.—The children of Bosnia should not be allowed to become the slaughtered innocent victims of the intensified fighting.

In 1937 a kindertransport was organized in Germany, before Hitler closed the door, when the British government made 10,000 visas available for German children. Seven thousand children were rescued—75 percent Jewish and 25 percent Christian. (Only 1,000 children arrived in the U.S. from Germany—with parents, relatives or alone—in 1938 and 1939.)

Several European countries are organized to accept refugee children. There they would be closer to home. These countries are very experienced on matters relating to refugees.

The UN is in the best position to organize the transfer of children of any ethnic group out of Bosnia. To do so at this time would certainly make it plain to those forces attacking the "safe havens" that at long last the NATO countries and the U.S. wish to put an end to using snipers to kill children and mortars to kill civilians. The Air Force would be there to protect the children.

We may not be able to stop ethnic violence or expanded civil wars, but we should be able, at this moment, to take the initiative to remove children and women.

A kindertransport program is long overdue in Bosnia. Those children who came out of Germany and Austria left their parents behind, and almost all never saw their parents again. We have a better chance of that not happening this time, but we must get the children out of Bosnia now, before they become orphans and victims.

AL BOOTH,  
President,  
International Music Foundation.

Mr. SIMON. Mr. President, in response to that letter, he received a letter from the consul general of France. Let me just read two paragraphs from this letter. The consul general read Al Booth's letter in the Chicago Tribune:

In addition to its participation in the organization of an air shuttle in Sarajevo and the creation of a central pharmacy in Bihac, the French Government evacuated more than 200 Bosnian children between 1993 and 1994.

Furthermore, a private association called "Equilibre," with the support of our Regional Councils, organized in November '92 the temporary evacuation of 1045 mothers and children. This operation was repeated in 1994 for 1000 children and their mothers.

For a total of 2,045.

This time the operation concentrated on the children whose health was failing and who could not have spent the winter in Bosnia.

He says these operations would not have been possible without the support of the French Government in particular regarding the retention of temporary permits for the accompanying adults.

I ask unanimous consent to have printed in the RECORD the letter of the French Consul General.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSULAT GENERAL DE FRANCE,  
Chicago, IL, July 11, 1995.

MR. AL BOOTH,  
International Music Foundation, Chicago, IL.

DEAR MR. BOOTH: I read with much interest your letter published in the Chicago Tribune of June 19, 1995, and sent a copy to the French Foreign Ministry, who have provided me with the following information.

In addition to its participation in the organization of an air shuttle in Sarajevo and the creation of a central pharmacy in Bihac, the French Government evacuated more than 200 Bosnian children between 1993 and 1994.

Furthermore, a private association called "Equilibre," with the support of our Regional Councils, organized in November '92 the temporary evacuation of 1045 mothers and children. This operation was repeated in 1994 for 1,000 children and their mothers. This time the operation concentrated on the children whose health was failing and who could not have spent the winter in Bosnia.



These operations would not have been possible without the support of the French Government, in particular regarding the obtention of temporary permits for the accompanying adults.

I hope that this information answers, at least in part, your concerns which we entirely share about the fate of the children (and other members of the civilian population) who are caught up in the daily horrors of the war in Bosnia-Herzegovina.

With best regards,

GERARD DUMONT,  
*Consul General.*

Mr. SIMON. Mr. President, I do not know if anything can be done. But I think we ought to do everything we can to save these children, if possible, in this horrible, horrible situation in which they find themselves. Obviously, these would only be volunteers.

Let me say for those who have fears of the religious implications, because these are mostly Moslem children, though not entirely. There are a number of Bosnian families in the United States as well as in Western Europe who, I am sure, would be willing to take these children—not all of them obviously, but many of them would—so that they could be raised in homes where there is a Bosnian culture and a Moslem background. So the religious factor should not be a barrier to going ahead.

Again, Mr. President, I do not have any good answer. But I do think this idea of somehow saving these children, or as many of them as we can, is just a sound, simple, humanitarian thing to do. I hope that somehow we can do something.

#### LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I wanted to talk about the bill that is on the floor.

Mr. President, I think that we are coming to a very important time in this Congress, and that is the time that we are going to be dealing with reform of our lobby laws, and later the gift laws that apply to Members of Congress.

Mr. President, it is important that we have Government in the sunshine.

The bill that is before us, lobby reform and lobby control, is an important one, and we have passed a similar bill in previous Congresses. Last year, I voted for a bill that would have required more disclosure of lobbying efforts without in any way though infringing on the right of individuals to seek an audience or a time with their Members of Congress.

We do not want to do anything that would keep a teacher who happens to be a member of a teachers organization from directly contacting a Member of Congress. But there are many lobbying

activities that may now not be disclosable that should be disclosable. I know the Members of our parties on both sides of the aisle are working on a compromise right now, and I hope we can come up with something that will provide public information of everything that is going on, every contact that is being made by a registered lobbyist or someone representing a lobby group. I think it is very important that the people of this country know who it is seeing Members of Congress when we are talking about important legislation.

We are also going to be taking up gift reform, and that is another important issue. I think it is important we have contribution limits, and we do have contribution limits. And I have voted to make those contribution limits even lower. We also have limits on how much you can take in a gift, which may be a T-shirt or it may be a basket of fruit or it may be something very small but that someone gives you just as they would give you if you worked in any office.

I wish to just say that those are appropriate limits. We do now have limitations which I think are very appropriate. I think we must be very careful as we go into the debate on gift ban not to go to such a level that you would then be able to be prosecuted for something which would really be inadvertent.

For instance, if you go to a zero gift, then presumably if you have coffee and doughnuts or a lunch with someone who happens to be a friend who may also work for a corporation or may be a teacher, then are you going to violate a ban on gifts?

I do not think anyone who is thinking rationally believes that just because you talk to someone or have lunch with someone or dinner with someone or a group gives you a T-shirt that is going to affect the way you vote on important public policy issues. These are things that happen in offices all over our country. It is the way people show normal appreciation for a friendship or for working together on some kind of issue. So I think we have to be very careful to make sure we do the things that would keep you from being able to abuse the ability to receive a gift without going to such a length we then allow for selective prosecution by people who do not have good will or for inadvertent things to happen that do not mean anything but nevertheless would put you in the position of a technical violation.

Mr. President, I just think as we go forward we need to keep in mind that everyone wants openness in Government, reporting of things that are received, without in any way, though, keeping a normal person from being able to contact or have the minimal ability to send a flower or a T-shirt to someone who they have worked with on an issue and had a good result or want to show some appreciation.

I go to functions across my State, and I may go to the chamber of com-

merce and make a speech to a chamber of commerce banquet. They will send me flowers or they will send something from the city, a cup or something. I appreciate that. I think it is a nice gesture. It makes me think of that city. I have things all over my office, cups and candy jars and things from the city of Lamar, from the city of Gainesville, or the city of Houston, or the city of Dallas. We cannot stop normal behavior, normal appreciativeness, contact with chambers of commerce or teachers or unions. That just does not make sense.

So I hope we will keep the common-sense test as we go forward. I do not think anyone believes that being able to have the normal course of business is in any way prohibiting a fair look at legislation.

So I just hope common sense will be the test, Mr. President. I think it is very important that we make improvements. I think we are doing that. I think as we go along and we see what works and what does not work or what is falling through the cracks we will take the steps to close those loopholes. That is what we are trying to do, and I hope we will have a good result. I hope we will have a big lobby reform vote today, just like we did last year. It was something like 96 to 5 that the lobby reform bill passed last year, but then it got hung up in conference, and it got changed and did not pass.

So I hope we can pass a good bill this year; that it will go through conference and that it will be an overwhelming, bipartisan effort to close the loopholes we have in the law today. But let us make sure we have enough common sense that an inadvertent error which really does not make a difference does not cause someone who does not have good will or good intentions to be able to prosecute or in any way build something up so that it makes a criminal out of a public servant.

It is not easy to be in public service at this point in time, and I certainly do not want to harass people who are just trying to do what is right by having some kind of law that would allow a technical violation. So let us go forward in a positive and bipartisan way and see if we cannot work to close the loopholes that are there and have sunshine in Government. That is what we all want, and that is what I think we can come to agreement on if we will just look at the big picture and put common sense in the equation.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, what is the pending business of the Senate?



The PRESIDING OFFICER. The pending business is amendment No. 1837 to the bill, S. 1060.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending business be set aside and that I be allowed to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1838

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require a more detailed disclosure of the value of assets)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1838.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

#### SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking “or”; and  
(2) by striking clause (viii) and inserting the following:

“(viii) greater than \$1,000,000 but not more than \$5,000,000, or

“(xi) greater than \$5,000,000.”.

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking “and”; and

(2) by striking subparagraph (G) and inserting the following:

“(G) greater than \$1,000,000 but not more than \$5,000,000;

“(H) greater than \$5,000,000 but not more than \$25,000,000;

“(I) greater than \$25,000,000 but not more than \$50,000,000; and

“(J) greater than \$50,000,000.”.

Mr. BROWN. Mr. President, the amendment is somewhat straightforward. What it does is attempt to update the categories that we have for disclosure. It does not attempt to give full valuation or more accurate valuation of the lower amounts. What it does do is address the cutoff we now have in the statute. Right now someone may have an asset worth \$100 million but would report it only as above \$1 million.

A recent article in Roll Call, I think, illustrates some of the ambiguities of our current disclosure statutes. They listed the top 10 lawmakers they felt had substantial assets serving in both the House and the Senate.

As the chart adjacent to me shows, what resulted from our disclosure was something of a misrepresentation, if you assume Roll Call's numbers are correct. Let me emphasize, I do not know that Roll Call's estimates are correct. They may well be incorrect.

What is quite clear is that our disclosure categories are not complete. An asset worth \$150 million, or perhaps even more, is reported on the disclosure form simply as over \$1 million.

Is there a difference in the potential conflict of interest, is there are difference in the significance of assets that might be \$200 or \$300 million versus \$1 million? I believe so. Such substantial amounts tend to indicate control, tend to indicate the level of interest that is quite different than simply something that might be above \$1 million as is shown on the disclosure form.

This amendment adds new categories. There is nothing magic in what we suggest. We do provide modest relief from that \$1 million limit. It creates a category of \$1 million to \$5 million. It creates a category of \$5 million to \$25 million. It creates a category of \$25 million to \$50 million and a category of over \$50 million.

The amendment does not attempt to cover all possible values. Someone could well criticize it for not having more subcategories. It could well be criticized because it does not differentiate assets over \$50 million. But it is meant to provide at least some additional definition to these categories that have become so inadequate in terms of disclosing accurately assets that we require to be reported.

Being in a statute form as it is, it will apply not only to the Senate but to the House of Representatives and to the executive branch as well.

I think the amendment is straightforward. It is meant to give us a clear picture in our disclosure forms and more accurately alert Members and the public to potential conflicts of interest.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. FORD. Mr. President, reserving the right to object, I am not trying to stop the Senator from offering his amendments. But those who have a vital interest in this particular part of the legislation that we are debating here this afternoon are not available. I am caught in the position of protecting this side without having the advice and counsel of those Senators that are now negotiating to try to work something out.

I am not trying to prevent the Senator from introducing amendments. But pretty soon we will have three or four amendments out here, and I am not sure where we are going to be. That

will be the pending amendment when they come back, and they may want to go back to the original amendment. There may be a unanimous consent agreement which can be reached.

Will the Senator give me an opportunity to check before he offers his amendment and let me see if there is any disagreement with what he is trying to do?

Mr. BROWN. Surely.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, if my colleagues are going to continue to discuss this subject for a bit, I intend to speak for 10 minutes as in morning business, unless it interrupts the flow.

I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### 30TH ANNIVERSARY OF THE MEDICARE PROGRAM

Mr. DORGAN. Mr. President, I wanted to speak on the floor briefly today because this is the week of the 30th anniversary of the Medicare Program. I indicated last week, and will again this week, that I think it is important at a time when so much of our country talks about what is wrong with our country, for us occasionally to talk about what is right and what works, and to talk about success.

We have been talking for the last several weeks about regulatory reform. I have come to the floor to talk about the fact that most people probably do not know in the last 20 years we have made enormous progress in cleaning America's air and water.

We now use twice as much energy as we did 20 years ago, yet we have cleaner air in America. We have cleaner water, rivers, streams, and lakes in America than we had 20 years ago. No one 20 years ago would have predicted that would be the case.

Why is that? Is it because the big corporate polluters in America who are dumping this into our airshed and the water—the pollution, effluence, and the chemicals—because they woke up and said, “I know what I ought to do for America. I ought to stop polluting.” That is not what happened.

What happened is Congress decided that the American people deserve and want clean air, they want clean water, and we will put in place regulations that require it. We wrote regulations in this country that said polluters have to stop polluting.

We have had enormous success as a result of it. It is a healthier place to live, better for us and better for our

kids. Yes, it is a nuisance for those who used to pollute. But it is a better policy for our country, to stop the pollution, and make that cost a part of the cost of doing business.

Now, we have a lot to celebrate, including successful clean air and clean water regulations and safe food regulations. We also have the opportunity, I think, to celebrate the success of a Medicare program that works. Yet, rather than celebrating the success of a program that works, we are now seeing that program under attack.

This is a more and more curious, yet in some ways predictable, I think, agenda that I watch in this Congress. The Contract With America is the foundation of the agenda, and the Contract With America is billed as a set of new directions and new ideas. In fact, there is nothing new about it at all. It represents the same old tired ideas, the ideas that somehow if the big get more, the little will be helped.

Bob Wills and the Texas Playboys, back in the 1930's, had a song with a lyric that stated it pretty well: "The little guys pick the cotton and the big guys get the money; the little bee sucks the blossom and the big bee gets the honey." So it is with the agenda now in Congress.

I could talk about the agenda at some length. I actually want to talk about Medicare. This is one part of it, in the Washington Post article "Curbs on Media Mogul," "Congress Moves to Ease Media Ownership Curbs, Could Reshape Industry." What does this mean? That Congress is taking action to eliminate the restrictions on how many television stations one person or corporation can own. I guarantee in 10 years we will have half a dozen companies owning almost all of America's television stations. Good for our country? I do not think so. Good for a few rich companies and investors? You bet your life it is.

Regulations—we ought to deal with silly and unnecessary regulations, but we ought not retreat on clean air, clean water, and safe food regulations in order to satisfy the appetite of the wealthy and the big interests. It does not make sense to me.

"Food Stamp Block Grants Eyed as a Way of Breaking Welfare Reform Stalemate." Some have an agenda of deciding that hunger is not a national issue. So we will decide we will not have a national food stamp program, we will have 50 State programs, if they choose to use the money for that. Curious agenda, in my judgment.

"The Treasury Subcommittee of House Appropriations Votes To Decide To Make It Easier for Felons To Purchase Guns." It is a curious and strange agenda but part of the same pattern. Same tired old ideas.

Line-item veto—we voted for a line-item veto bill here in the Senate. I voted for it. I have voted for it a dozen times in a dozen years. Yet, we are now told by the Speaker of the House it does not look like we will have a line-item veto bill this year.

Last week, a little article in the paper says "Gingrich Gets \$200 Million in New Pork." Now, we will not have a Democrat President that will get a line-item veto to veto this sort of thing. Why? Because some who talked about the line-item veto are much more interested in producing pork than they are in producing a line-item veto.

But I wanted to speak just for a moment about Medicare. I think the Medicare Program is a success. Yes, we have some financing problems in the outyears. Part of the reason that we have those financing problems is because of the success of the program. People live longer in this country today. They have better health care than they had previously. In fact, on a monthly basis, we now have 200,000 new Americans each and every month that become eligible for Medicare. That does cause some real strain.

But the success is this: 40 years ago we had less than 50 percent of our senior citizens who had any health care coverage at all. This year, it is 99 percent of our senior citizens who have health care coverage.

I have been to plenty of places in the world where there is no health care coverage for senior citizens. I have seen the sick and I have seen the dying who have no access to health care because they are poor. In many countries, that means 95 or 99 percent of the people. I have been to those countries.

I have seen the hospitals with dirt floors—to the extent they are lucky enough to get to a hospital—with dirt floors and no doors in the tropics down in Central America. I have seen the worst of medical conditions.

Most importantly, I have seen what it does to people when they grow old and have no access to health care. I saw it in my hometown before Medicare, at a time when my father asked me to drive an elderly gentleman to the hospital in Dickinson, ND, who was dying; a fellow with no money, no hope, an elderly man, no health insurance. Still, as he was 2 or 3 days away from death, he was worried about how he would pay a hospital bill.

Part of that has changed because we put in place in the mid-1960's a Medicare plan. I might say those in my party—I was not here then—those in my party who had the courage and foresight to fight and vote for it, had to do so at the expense of being called a bunch of socialists by a lot of folks who were not willing to vote for it.

I think we ought to celebrate the success of the Medicare Program and what it has done for our country. This is a year, and this is a week, the anniversary of the 30th year of the Medicare Program, that has advanced the interests of our country and its seniors.

I say to those who believe that we ought to give a big tax cut, the bulk of which go to the rich, and decide we need to cut Medicare, and they do not relate to one another, it is pretty incapable to me when you advance a tax cut, the bulk of which go to the

wealthiest Americans, and say to senior citizens, "We are sorry, we cannot fully fund Medicare," that the tax cut for the wealthy comes out of the Medicare Program. We can do better than that. We can decide together what we voted on in the 1960's as a Congress has been enormously successful for the elderly people in this country—for all of America, for that matter. We can decide not to threaten the Medicare system, but decide to work together to strengthen it.

That is a matter of public will. I hope the American people would decide that there is something to celebrate here in programs that work; most especially, the Medicare Program. I hope in the next 2 or 3 months, as we sort through this fiscal policy dilemma, we will decide not to embrace the radical agenda that says a tax cut for the rich—that they claim will help the rest—at the expense of total and adequate coverage for America's senior citizens who need it, earned it, and respect it. I yield the floor.

Mr. DOLE. Mr. President, is leader's time reserved?

The PRESIDING OFFICER. Yes.

Mr. DOLE. Mr. President, I ask that I may use some of my leader's time without interfering with the ongoing debate on lobbying reform. We are making progress on lobbying reform. I appreciate that. I hope we have will have a unanimous vote for a strong bill.

#### BOSNIAN ARMS EMBARGO

Mr. DOLE. Mr. President, the opposition to lifting the United States arms embargo in Bosnia and Herzegovina has been an elaborate exercise in buying time.

It has been more than 11 months since the Senate last voted to lift the arms embargo in Bosnia. Following that vote, the administration worked with the distinguished Senator from Georgia on a compromise—the Nunn-Mitchell provision—which ultimately was adopted.

The Nunn-Mitchell compromise essentially provided time, time for the Bosnian Serbs to sign the contact group plan; time for UNPROFOR to improve its performance; and time for the administration to work out a multilateral lift of the arms embargo.

That is what it was supposed to do. Any one of these things have occurred not because of the lack of good intentions on the part of the Senator from Georgia, Senator NUNN, I might add, because he certainly expected these things to happen.

Mr. President, 11 months later the situation is far worse than when the Senate last voted 58 to 42 to unilaterally lift the arms embargo in Bosnia. Thousands have died, tens of thousands have been forced from their homes, homes which were in the U.N. safe havens. Tens of thousands more are facing the same fate in Bihac, Sarajevo, and Gorazde. Furthermore, NATO is

dangerously close to losing what credibility it still has, and the United States is no closer to exercising leadership in a new direction.

President Clinton called me last week to ask for more time—he asked me to delay the vote on the Dole-Lieberman legislation until after the London meeting. And certainly we were pleased to oblige the President. Wherever we can, we want to work with the President of the United States, particularly in foreign policy areas.

But now the London meeting has come and gone and there is no change on the ground in Bosnia. The London conference did not result in a reaffirmation of the U.N. obligation to defend the U.N. safe havens. The conferees wrote off Srebrenica and Zepa, vowed to protect Gorazde—at some point, that point not being clear—and declined to respond to the dramatically worsening situation in Bihac and Sarajevo.

So I guess what they have said, in effect, is if there are six safe havens we may be willing to protect one—one out of the six.

Yes, there were modifications to the dual key arrangement, but the dual key remains. The bottom line is that the London meeting did not result in significant change in approach. It did not result in a new policy. It essentially reaffirmed business as usual with the possibility of a few displays of force sometime in the future.

So the commander of the Bosnian Serbs, General Mladic—who, interestingly enough, was delivered the London conferees' ultimatum in Belgrade—is probably not shaking in his boots, but more likely laughing all the way to Bihac.

Today there are reports of more NATO military planning. But planning was never the problem. Executing those plans was and still is the problem. This debate has never been about policy options, but about political will.

It is high time the Clinton administration abandon its flimsy excuses for the United Nations' pitiful performance, shed the false mantle of humanitarianism, and face the reality of the U.N. failure in Bosnia.

I intend to take up the Dole-Lieberman legislation tomorrow and hope we can vote tomorrow and have a clear-cut vote. It is not a partisan vote. It is supported strongly by colleagues on both sides of the aisle. This is the Senate of the United States speaking, not BOB DOLE, not JOE LIEBERMAN, not a Democrat, not a Republican—but the U.S. Senate. The clock has run out and now is the time for the United States to fulfill its role as the leader of the free world, do what is right and what is smart. Now is the time to pass the Dole-Lieberman legislation.

We have an obligation to the Bosnian people and to our principles, to allow a U.N. member state, the victim of aggression, to defend itself. I listened to George Stephanopoulos at the White

House yesterday on television, saying if we lifted the arms embargo, as proposed by myself and Senator LIEBERMAN and other Republicans and Democrats, we were going to Americanize the war. How? All we are suggesting is to give these people the right to defend themselves as they have under article 51 of the U.N. Charter. We are not asking American ground troops, not suggesting American ground troops, not suggesting American involvement. But the spin machine at the White House is saying, "Oh, this is going to Americanize the war." Nothing can be further from the truth.

Let me again reiterate, this is a Senate effort—not a Republican effort, not a Democratic effort, but a bipartisan, nonpartisan effort—to protect the rights of innocent people, an independent nation, a member of the United Nations, which under article 51 of the U.N. Charter has the right to self-defense. In 1991, we imposed an illegal embargo on Yugoslavia. There is not a Yugoslavia anymore. It is gone. It is now Bosnia, it is now Serbia, now Slovenia, now Croatia—it is no longer Yugoslavia. The embargo has been illegal from the start. We have, in effect, tied the hands of one side and said, OK, you cannot have any heavy weapons, but you go out and fight the aggressors, and, if you lose, we will provide humanitarian aid.

I just suggest we have gone on long enough. I have great respect for the U.N. protection forces who are there. Two members of the French force lost their lives over the weekend; one was seriously wounded. Others have lost their lives in this effort—British, Dutch, Pakistanis—a number have lost their lives. But it has been a failed policy, and I believe it is time that the world recognize the policy has failed and time to give these people, the Bosnians, an opportunity to defend themselves.

Several Senators addressed the Chair.

Mr. DORGAN. I wonder if the majority leader might yield for a brief question?

Mr. DOLE. Sure.

Mr. DORGAN. I appreciate the majority leader's yielding. I have been struggling with the question of the resolution. I have not decided whether to support the resolution this week or not, but I ask the question: If the will of the Senate were to agree to this resolution, which would then result in a changed course with respect to Bosnia and potentially a rearming of the Bosnian Moslems, does the Senator from Kansas, the majority leader, feel that ultimately American troops would be required to help extricate the U.N. forces at some point?

Mr. DOLE. Of course none of this would take effect—we would not lift the embargo—until they were gone. But I would be willing to support the President to extricate the U.N. protection forces. It seems to me, as a mem-

ber of NATO we have that obligation. I know the views of the American people are very mixed, as I saw in the polls. But in my view, after they have been removed—if we have to help extricate them, I think we should. We should support the President in that effort.

Second, when it comes to training the Bosnians, we helped the Afghans. We did not send anybody to Afghanistan. We helped train. We provided weapons. The same in El Salvador. I believe that can be done without Americanizing anything. Plus, what they want, as the Senator from North Dakota knows, are Russian weapons. They are familiar with Russian weapons, and they are readily available. So I am not certain they would need a great deal of training.

But it just seems to me—and it is not just because I watch television, it is not just because I visited there 5 years ago when all this was just beginning to ferment—I think anybody, any objective observer, would say no, no U.S. ground troops. We could even question airstrikes, but certainly no Americanization. But, finally, let us give these innocent people a chance to defend themselves. That is all they are asking.

I thank my colleague from North Dakota.

#### LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to offer my very strong support for S. 1060, the Lobbying Disclosure Act of 1995.

This legislation is similar to that reported out by the Governmental Affairs Committee, which I was privileged to chair during the last Congress. Senators LEVIN and COHEN, in particular, deserve our words of high praise for their diligence and persistence in tackling such a thorny area and coming up with an effective and pragmatic bill.

Mr. President, there is blessed little credit given to those who bring up things like this. There is a lot of opposition. But these are the things in the committee we used to jokingly call the "grunt work" of Government—the grunt work of Government—the good Government issues that too often are not brought to the floor, and when they are brought to the floor, usually cause very little attention to be paid.

Senator LEVIN was President of the Detroit City Council before he came to Washington. I have heard him talk many times about how he came in here with a burning purpose of doing regulatory reform, for instance. We have been having that on the floor the last couple of weeks.

Now on lobbying reform, ethics in Government matters. That may be a column note someplace, a short column note at the very best, usually, on items like this. But they are items which become vitally important for long-term

Government in this country and how our people look at Government, because we live in an age when, for whatever reason, people have lost confidence in their Government.

There is a pervasive cynicism, if not outright skepticism, about the integrity of Government institutions to carry out and serve the public's interest.

Part of this distrust is the perception that Congress in particular is beholden to special interests and that ordinary people cannot rise above the din of lobbyists having special access to and currying favor from Members of Congress or top officials in the executive branch.

I personally do not subscribe to this view. I feel it is more myth than reality. However, as long as the perception is there, doubt and suspicion will linger.

In my view, the issue is about access and accountability. We want to return power to the people. At long last, everyone will be able to know who is paying what to lobby whom on which subject and on which issue. Whether it is a special tax loophole or a pork barrel project, people want to know what is going on. The sunshine is always the best disinfectant.

I am sure that most of us would much rather be talking and meeting with those who elected us—our constituents—than some smooth-talking lobbyist. I, for one, was elected to represent the people of Ohio. And they are who I want to hear from and will always give top priority to.

This bill provides for the effective disclosure of paid lobbyists who are trying to influence Federal legislative or executive branch officials in the conduct of Government actions. It also affords us the fullest opportunity for citizens to exercise their constitutional right to petition the Government.

Nothing in this bill whatsoever would either restrict or prohibit our constituents from writing, from calling, or from meeting with us. Senators LEVIN and COHEN have clarified that. They have also removed the so-called grass-roots lobbying provision which was used to thwart our efforts to get this bill enacted into law prior to adjournment last year.

This legislation makes commonsense reforms in the registration and disclosure process. It replaces the myriad of lobbying disclosure laws—some with giant loopholes—with a single, uniform statute covering all professional lobbyists. It also streamlines the disclosure requirements to ensure that the public is provided with meaningful information, not some undecipherable code. The legislation also establishes a workable system to administer and enforce compliance with this act.

I think we are at a crucial crossroads, in my view, over the role of Government and people's respect for it. I believe this bill will enhance the public's awareness of and confidence in the functioning of their Government. It

makes sure that public officials are accountable for their actions. I think it will discourage lobbyists and their clients from engaging in less than proper activities.

Let me say this about lobbyists. I do not turn lobbyists away. I welcome their information a lot of times because a lot of times they can give you details of or insight into this particular area of expertise that is welcome and should be considered. But to try and tie that lobbyist up with whether they made a contribution or not is absolutely wrong.

In short, effective lobbying disclosure would ensure that the public Federal officials and other interested parties are aware of the pressures that are brought to bear on public policy. Now more than ever, so to speak.

At a time when major health and safety laws or regulations are being debated on the Senate floor, the public is entitled to know what lobbyists we are meeting with in the back rooms, who they are representing, and why they are here. Are they just passing through to say "hello?" Are they here to persuade us to offer or support an amendment to benefit a particular business or industry?

Effective public disclosure will build confidence in this body and erase the doubts and suspicions that the public is shut out from the people's business.

So I think the changes proposed by Senators LEVIN and COHEN are sensible and they strengthen the workings of the bill. They deserve our credit for leading this effort, though I regret we were prevented from acting upon this last year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SIMPSON. Mr. President, has a quorum been entered?

The PRESIDING OFFICER. It is not in progress.

Mr. GLENN. I withdraw the request for a quorum call.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my friend from Ohio.

Mr. President, with regard now to the status of the situation on the floor, we are on the bill. Is that correct?

The PRESIDING OFFICER. The Brown amendment No. 1838 is the business at hand.

Mr. SIMPSON. Mr. President, with the approval of the Senator from Colorado, may I ask that his amendment be withdrawn. My amendment should not take 5 or 10 minutes, unless the Senator from Colorado wishes to go forward.

Mr. BROWN. It would be appropriate to temporarily set it aside.

Mr. SIMPSON. I ask unanimous consent that the amendment be temporarily set aside and that we go forward with this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMPSON. I thank my friend from Colorado.

AMENDMENT NO. 1839

(Purpose: To prohibit certain exempt organizations from receiving Federal grants)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1839.

At the appropriate place, insert the following:

#### SEC. . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. SIMPSON. Mr. President, that amendment is rather succinct.

I believe that the amendment I have just put forward embodies an absolutely critical component of any truly meaningful lobbying reform. The amendment is identical to a bill which I was pleased to introduce with Senator CRAIG last Friday which has already attracted over a dozen cosponsors.

By unanimous consent, Mr. President, we now split the underlying legislation into two complementary components—lobbying reform and gift ban legislation. I think all of us must agree that the issue of lobbyists' gifts to Senators must be dealt with in any attempt to protect the ethical framework of our activities here. I commend my friend from Michigan who came here when I did, Senator LEVIN, and many others who have worked so diligently on these issues of lobbying and gifts—and Senator MCCONNELL and so many others.

But my amendment gets to the heart of another major piece of the puzzle, one which we have inadequately dealt with thus far. This is the other side of the coin. This is about Congress' gifts to lobbyists in the forms of grants, loans and other benefits.

Very simply, Mr. President, my amendment would forbid the delivery of Federal grant money to any 501(c)(4) organization—501(c)(4). Please hear that very seriously constricted and limited impact. This is an absolutely vital and fundamental and long overdue reform.

I trust my colleagues may be fully aware of the relevant sections of the Internal Revenue Code pertaining to tax-exempt organizations. If so, they will see why this reform is absolutely necessary, and should be, I think, uncontroversial.

First, let me assure my colleagues who may be wary upon initially hearing of this legislation. This amendment does not affect charities, nor any of the other tax-exempt groups which Members will certainly wish to protect, and should.

This amendment would not affect any organization that is organized

under section 501(c)(3) or 501(c)(5) or 501(c)(6) or any of the other 25 categories, or maybe more, if I recall, of the Internal Revenue code. And I would remind my colleagues that 501(c)(3), which is not affected by this legislation, this amendment—this is the one that encourages activities, that are, and I quote directly from the code, 501(c)(3)'s are not affected by this amendment, are to "Relieving the poor and distressed," or for "Advancing religion or education." Thus, this amendment would not affect the Salvation Army, nor any other of the educational institutions in your State or any "charities." Nor would it affect the tax-exempt groups that file under 501(c)(5) or 501(c)(6) of the Internal Revenue Code. These organizations include the labor organizations, and business organizations, groups such as the chamber of commerce, and the AFL-CIO—not dealt with here; no impact at all.

This amendment deals very directly with section 501(c)(4) only. You can read that, the big lobbyists, the big boys and girls, and quite a list. That is the category that some organizations have chosen to file under when they want to spend an unlimited amount of money on the lobbying of the Congress. Unlike a 501(c)(3) which has a floating cap on how much can be spent on lobbying, there is no such cap on a 501(c)(4), none.

This means that an organization under 501(c)(4) can under current law enjoy a tax exemption, enjoy receiving the Federal grant money and enjoy spending untold millions—that is the number, untold millions—lobbying the Congress. This is huge loophole benefiting the powerful lobbyists at the expense of the collective interests of our citizenry. It is small wonder that we have such difficulty here casting votes to benefit the average citizen and Americans when we are simultaneously subsidizing the programs and activities of some of our largest lobbying groups. This is a reform that absolutely must be made, and soon. And there is no better place than I think the time today because there is a fundamental basic incompatibility between the current construction of 501(c)(4) law and the delivery of Federal grant money.

I feel, after looking at it as carefully as I can, that rather than to design the limitations on the lobbying, or other advocacy activities of the 501(c)(4) organizations, that we should simply acknowledge that this is not the provision of the Tax Code under which altruistic, caring, charitable groups file. They do not file under 501(c)(4). But rather, this designation attracts those groups that are organized principally to lobby the Federal Government, and do so without financial limitations.

There are, of course, and be assured, countless fine organizations doing good work and good works, organized under 501(c)(4) of the Tax Code. And if they wish to continue their administration of Federal grant money, certainly we

should encourage them to file as a 501(c)(3) or any other available provision of the Tax Code.

My amendment would not prevent the truly altruistic groups from doing just that, but if they wish to enjoy the benefits of 501(c)(4) and also enjoy the special privilege to lobby just as many bucks as their bank account will allow, then they should not be paid off in Federal grant money.

I hope we might receive bipartisan support for this amendment, good bipartisan support. I have heard some of my colleagues take the floor at other times during this year to state that such lobbying activities should not be underwritten by the Federal Government. I have heard some on the other side of the aisle say that the NRA in particular should not be receiving Federal grant money. Many concur.

So this is the Senate's chance to put an end to these conflicts of interest. I hope the Senators on both sides of the aisle will support this needed reform and vote to curtail the delivery of grant money to these, the most powerful lobbying groups and organizations in America. It is really a fundamental test of our sincerity in removing the decisionmaking process from obvious conflicts of interest. I ask my colleagues for their support with regard to the amendment.

Mr. President, I will yield to Senator BROWN whenever he wishes the floor, but let me speak another few moments.

#### MEDICARE AND SOCIAL SECURITY REFORM

Mr. SIMPSON. Mr. President, I was listening with interest to the discussion of Medicare and these issues that confront us, what we are going to do—the ancient litany of a tax cut for the rich, and this type of activity. I just want the American people to be certain that they remember that Medicare will go broke in 7 years and Social Security will go broke in the year 2031. It would be very helpful if they could come forward and tell us what we should do about that.

#### LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. MCCONNELL. Mr. President, before the Senator from Wyoming leaves the floor, I listened carefully to the explanation of his amendment, and I wanted to commend him for what I think is an outstanding amendment, a very important contribution to the underlying legislation. I fully intend to support him and encourage this effort. I wish to thank him for his leadership in this area.

Mr. SIMPSON. Mr. President, I thank the Senator from Kentucky. No one has been more vitally involved in these issues than my friend from Kentucky, Senator MCCONNELL. And those are powerfully reliable words. I appreciate it very much.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. Currently the Simpson amendment No. 1839 is pending.

Mr. BROWN. Mr. President, it is not my intention to preclude further debate on the Simpson amendment. Obviously, I join him in the hopes that it will pass and be accepted. But would the Senator be comfortable if I temporarily set it aside and move back to the Brown amendment?

Mr. President, I ask unanimous consent that we temporarily set aside the Simpson amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1838

Mr. BROWN. Mr. President, are we now considering the Brown amendment?

The PRESIDING OFFICER. Yes, the Brown amendment is now the pending business.

Mr. BROWN. Mr. President, it is my intention to offer three amendments for consideration of the body. The first one, as we have spelled out, is the reporting categories; that they are meaningful in reporting the value and, as we have already discussed, a current limitation of closing the valuation at \$1 million could be very misleading.

The second amendment I hope to offer is one that deals with qualified blind trusts. Currently, the statutes under which we operate provide that a recipient or beneficiary of a qualified blind trust is allowed under a qualified blind trust to be advised of the total cash value on a periodic basis.

Our amendment, the second amendment we will offer, simply would make it clear that if one is advised of their total cash value, under the statutes, of a qualified blind trust, that total cash value—not the value of the assets underneath but the total cash value—is disclosed.

The third amendment is one that will deal with personal residences that exceed \$1 million. While there may be very few of these—at least I do not anticipate there would be very many—there is a tax implication which was passed by previous Congresses in regard to valuation of a residence. That tax rule that Members are familiar with involves financing of a personal residence in excess of \$1 million and imposes limitations or, to be more precise, limits the deductibility for tax purposes. Inasmuch as that tax provision exists and raises potential conflict of interest for Members voting who might come under that provision, the third amendment would provide for the reporting of personal residences in excess of \$1 million.

Mr. President, as I understand it, Members are now considering the first amendment, which would expand our reporting categories, and it would be my intention to allow this to proceed under a voice vote, if that is the wish of Members of the Senate, so that we could maximize the use of our time.

I yield the floor, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it will be my intention to lay down the other amendments that I have referred to. So I rise at this point for the purpose of offering an amendment. First, I ask unanimous consent that the pending Brown amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### AMENDMENT NO. 1840

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require the disclosure of the value of any personal residence in excess of \$1,000,000)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1840.

At the appropriate place, insert the following:

#### SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF \$1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds \$1,000,000.”.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5)” and inserting “(5), and (8)”.

Mr. BROWN. Mr. President, this second amendment is quite straightforward, and it was the reason I thought it appropriate to allow it to be read in full. What it does is fill a gap in our reporting requirements. Since we have specific legislation that provides separate tax treatment if someone borrows more than \$1 million on a personal residence, there is currently an issue before Congress in terms of a tax policy where the ownership of a residence in excess of \$1 million in value presents a potential conflict of interest.

Thus, this amendment would fill the gap in our current reporting requirements. It would allow disclosure of per-

sonal residences that are in excess of \$1 million or, I should say more precisely, it provides for that disclosure and would provide information with regard to potential conflict of interest when voting on tax issues of that kind.

Mr. President, I ask unanimous consent that the second Brown amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1841

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require an individual filing a financial disclosure form to disclose the total cash value of the interest of the individual in a qualified blind trust)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Brown] proposes an amendment numbered 1841.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

#### SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust investment was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.”

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5)” and inserting “(5), and (8)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

Mr. BROWN. Mr. President, Brown amendment No. 1841 deals specifically with qualified blind trust. Under the current statutes, we provide an exception or an exemption from reporting, and it is done only in an area where a trust is involved and where it meets the standards of qualified blind trust under law.

Under the statutes of a qualified blind trust, the beneficiary of that trust is allowed to receive certain information. The beneficiary is allowed to be advised of the earnings of that trust, which is obviously necessary for tax purposes, and also under the law is allowed to receive information of the total cash value of that trust and can be reported to the beneficiary as often as four times a year under the current statute.

Ironically, though, we have exempted the beneficiary from disclosing that in-

formation which they are allowed to receive under the terms of the qualified blind trust. This amendment merely provides that the total cash value be reported, along with the other information in someone's disclosure. It does not require disclosure of the assets in which the trust is invested. But it does provide that the beneficiary of that trust report the information that they receive from the trust; that is, the total cash value.

Mr. President, there is a specific exemption included in the third Brown amendment, that is amendment No. 1841. That exemption is this: If someone is the beneficiary of a qualified blind trust and that trust was executed prior to today and the terms of that trust precludes the beneficiary from receiving information on the total cash value, then one need not report it.

So while the statute allows people to receive information on the total cash value, it is certainly possible that some Members operate or receive benefits under a trust that does not advise them of that total cash value. It would be our intention to not push those Members into a difficult bind under these circumstances and, thus, we have provided this exception; that is, if the terms of the trust do not allow the beneficiary to be advised of its total cash value, then the Member would be exempt from having to report that information; that is, it would not have to report the information that they do not have and cannot get under the terms of the qualified trust.

The change, though, is this: If someone has a qualified blind trust and is advised under the terms of that trust the total cash value, then they would no longer be exempt from reporting that. It, in effect, puts Members on equal footing. It seems to me this fills a very important loophole in our current disclosure provisions.

Mr. President, I ask unanimous consent that we temporarily set aside amendment No. 1841 and return to the Brown amendment No. 1838.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, just briefly, I want to commend the Senator from Colorado for three excellent amendments that I think fit the spirit of the underlying legislation, and I want to commend him for presenting them. I fully intend to support them and hope the Senate will as well.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Will the Senator yield for a question on amendment No. 1841?

Mr. BROWN. Sure.

Mr. LEVIN. As I understand the amendment, the categories of total cash value of any interest of the reporting individual would be the same categories as are provided by law for other assets; is that correct?



Mr. BROWN. That is correct.

Mr. LEVIN. So if Brown amendment No. 1838 were adopted, it would be the new categories as provided in Brown amendment No. 1838 that would be applied to the blind trust situation.

Mr. BROWN. That is correct.

Mr. LEVIN. On Brown amendment No. 1840, the one relating to the value of a house, is it my understanding that the valuation of the home would be done in accordance with one of the various methods of valuation which are currently allowed for other assets?

Mr. BROWN. That is correct, in my understanding. The Senator, I know, is well versed in this and may be willing to straighten me out on this, but my understanding is you can report historic costs if you do not have a firm fix on what the current valuation is.

Mr. LEVIN. My recollection is, and I am not sure I do have any greater knowledge than my friend from Colorado, but my recollection is that there are at least three methods of valuation which are allowed for real estate. You can take cost—I think there is a depreciation factor—historic valuation, there is a tax assessment valuation and there are a number of other ways, perhaps. But whatever it is that is allowed for real estate under the current requirements would be allowed when it comes to the valuation of a home under Brown amendment No. 1840; is that correct?

Mr. BROWN. That is correct. I might say that it certainly would not be my intention to require in any way an annual appraisal or something like that. I think the alternatives that exist in law, at least in my view, are more than satisfactory for reasonable disclosure.

Mr. LEVIN. Mr. President, we are attempting to determine whether or not there are Senators that wish to debate any of the three Brown amendments, and pending that determination, I ask that the amendments either be laid aside so that we can return to some other business, or if anybody else wishes to come to the floor to debate the bill or any of the amendments which have already been laid aside, that they do so.

I yield the floor.

Mr. BROWN. Mr. President, for clarification purposes, I wanted to mention for the RECORD what I think is an important aspect of this. Amendment No. 1841, which deals with the qualified blind trust, uses the term "total cash value." The reason that we use that term is that it is the precise language that the current statute uses; that is, the current statutes provide that you can have a trust that qualifies as a qualified blind trust and still report to the beneficiary the total cash value. So that is the origin of that.

In contacting the Ethics Committee, we sought to learn what was meant by the term "total cash value." We are advised that they do not have an independent legal opinion on the use of that term, even though they have questions about its usage in filing. But we

are also advised that they believe that it means and relates to, in effect, the value of the trust, market value of the trust, the value it would have if the trust were converted to cash on the current market.

It seems to me that is a reasonable definition, and it is certainly with that understanding in mind that we have used that term; that is, to give full disclosure to what is the current value under the current market conditions of the value of that trust, those trust assets.

I yield to the distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield for an additional question which relates to line 1 on page 2. It says there, "the category of the total cash value of any interest of the reporting individual."

I want to see if my understanding is correct. Is the cash value of interest related purely to the value of the asset? And is my understanding correct that this amendment does not require the disclosure of income from that asset? Or is that already required under law?

Mr. BROWN. It is my understanding that the law already requires the reporting of income accruing to the beneficiary of the trust, but in the past has not required the disclosure of the total cash value of the underlying assets.

Mr. LEVIN. So whatever the current law is relative to disclosure of income from the qualified blind trust, it is not affected by this amendment?

Mr. BROWN. That is correct.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

#### AMENDMENT NO. 1839

Mr. CRAIG. Mr. President, last week I introduced legislation on this floor to deal with the very topic that the Senator from Wyoming came to the floor earlier this afternoon to introduce, an amendment to the lobby reform bill that is now pending before the Senate. The issue is the Federal Advocacy Reform Act of 1995, and to be able to deal with it in the amendment form tied to this is most appropriate.

For a few moments this afternoon I would like to talk briefly about the scope of this amendment and why I think it is so important for us to consider in the context of Federal lobbying.

People are correctly focused on lobbyists and gifts to legislators as the Senate convenes today to debate these important topics. But I think we also need to worry about Government's

gifts to lobbyists. Some of my colleagues would say, "Senator, what are you talking about?" But the Senator from Wyoming, AL SIMPSON, this afternoon very clearly laid out the growing phenomenon in this country of more and more Federal tax dollars going in the form of contracts and grants, and in some instances outright gifts, to advocacy groups which then allows them to use the tax base, the tax dollars of this country, to argue their maybe very narrow point of view. The question is, is this in the best interests of our country? Should we allow these kinds of things to go on?

It is not a new question that we ask. Mr. President, 75 years ago Senators stood on this floor and clearly argued that Federal tax dollars should not be used for the purpose of advocacy for a narrow or single purpose. But Federal tax dollars should at least be spread for the common good and they should be cautiously used, but in all cases the common good or the broad base of the American public's interests ought to be at mind.

Over the last good number of years, we have watched grow to a point now where over \$70 billion annually in the form of grants go out to a broad cross-section of interests across this country, and in many instances, then, we find those tax dollars right back here on the doorstep of the U.S. Capitol, being advocacy dollars for sometimes a very narrow, specific point of view.

I think it is now time for this Senate, as we debate the broader question of lobbying, to argue, is that the right thing to do? With nearly a \$5 trillion debt, a \$200 billion deficit, and the very real concern that this year for the first time this Congress is going to establish increasingly narrow and tighter public priorities as to where our dollars get spent, is it not time we do the same in this area and with these categories?

Our associates and friends in the House are approaching it from a different point of view. Amendments will be offered before the appropriations process over there that will deal with more than the 501(c)(4) category inside the Internal Revenue Code that the Senator from Wyoming and I are discussing this afternoon. They will talk about the "not for profits" and "for profits," the 501(c)(3)'s and all of those that fall under the broad category of section 501 of the IRS Code.

But, today, our amendment is very clear and it is narrow. It says that, for those not-for-profit advocacy groups, who choose to be, for their purpose, advocating a point of view, that they should be disallowed from receiving Federal dollars. It is very straightforward and very simple in its approach.

When I introduced S. 1056 last week, Senator SIMPSON worked with me in the cosponsorship of that, along with my colleague from Idaho, DIRK KEMPTHORNE, and Senator COVERDELL, Senator GREGG, Senator NICKLES, Senator LOTT, Senator KYL, Senator



GRAMS, and Senator FAIRCLOTH, and it was only but for a few moments on Friday that I worked that issue. Obviously it is one of great concern and I think very popular, and it ought to be debated here on the floor and tied to this important legislation we are dealing with this afternoon.

Mr. President, I ask unanimous consent that a position paper developed by the Heritage Foundation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation]

#### RESTORING INTEGRITY TO GOVERNMENT: ENDING TAXPAYER-SUBSIDIZED LOBBYING ACTIVITIES

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.—Thomas Jefferson.

#### INTRODUCTION

The federal government subsidizes lobbying by tax-exempt and other organizations through grants and contracts to advocacy groups. Each year, the American taxpayers provide more than \$39 billion in grants to organizations which may use the money to advance their political agendas.

Federal funding of private advocacy is not limited by ideological scope. Organizations to the left and right of the political center use taxpayers' funds to promote their ideas and positions. Almost every interest in America—from agriculture to zoology—has one or more organizations receiving government funding. Recipients range from the American Association of Retired Persons, which received over \$73 million in a one-year period, to the American Bar Association, which received \$2.2 million. Over the past forty years, Congress has helped create a vast patronage network or organizations that enjoy tax-preferred status, receive federal funds, and engage in legislative or political advocacy. The days of big city political machines disbursing patronage may be coming to an end, but the disbursement of financial dividends to political friends is a prominent feature of the federal budget. As Heritage Foundation Senior Fellow Marshall Breger has written:

"Lacking the imprimatur of democratic consent, government subsidy of private advocacy can be seen for what it is—the public patronage of selected political beliefs. That these advocacy subsidies are rarely made openly but are often disguised through grants and contracts for legitimate public functions merely underscore the dangers inherent in a system of expansive government subsidy."<sup>1</sup>

Clearly, the right to petition government to redress grievances should not be infringed. Individuals and organizations using funds from the private sector should be encouraged to engage in the legislative and political process. It is an entirely different matter, however, to employ the coercive power of the federal government to force taxpayers to finance organizations which lobby Congress or other government entities. It is every bit as unjust to force liberal taxpayers to fund organizations on the right as it is to force conservative taxpayers to finance organizations on the left. The fundamental principle is that it should be anathema to force taxpayers to underwrite advocacy with which they disagree.

Taxpayer funding of advocacy organizations is wrong—fiscally, morally, and logi-

cally. It is fiscally irresponsible to spend federal revenues on activities that provide no meaningful return to the American people. It is morally wrong for the government to take sides in any public policy debate by assisting the advocacy activities of an elite few. And it is logically wrong for the government to fund activities that often result in lobbying for increased federal expenditures. The reasons are summarized aptly by George Mason University professor James T. Bennett and Loyola College professor Thomas J. DiLorenzo in their comprehensive study, *Destructing Democracy*.

"A large number of individuals with strong views can express their preferences by contributing funds to a group that promotes that issue. With tax-funded politics, however, a small number of zealots with access to the public purse can obtain resources from government to advance its views even though few individuals in society share the group's philosophy. Whenever government funds any political advocacy group, it effectively penalizes those groups that advocate opposing public policies and provides a distinct advantage to the group or groups that it favors in the clash of ideas."<sup>2</sup>

#### THE FUNDING OF FACTION

The Founding Fathers recognized the dangers of factions in a republic. James Madison wrote in *Federalist* Number 10 that "Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction." Madison defined faction as "a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."

What the Founding Fathers referred to as factions we now call special interests. Instead of restraining factions, however, the federal government today subsidizes them. This distorts the political process by favoring one faction over another and by nourishing a network of special interests—a welfare-industrial complex—with a direct self-interest in a growth of the welfare state. The financial cost to the taxpayer is far higher than the amount funneled to these organizations. Each one not only lobbies for its contract or grant, but also advocates for bigger, more expensive social welfare programs, further complicating efforts to put the nation's fiscal house in order. Moreover, while these organizations often claim that the money they receive helps the less fortunate, the reality is that it bolsters their own political power, perks, and prestige.

The advocacy network and its leaders contribute to what author James Payne has referred to as a "culture of spending" in Washington which makes it extremely difficult to trim government programs: "Leaders of such federally dependent interest groups should not be seen as representing independent citizen opinion. They are quasi-governmental officials with a vested interest in the spending programs that benefit their organizations."<sup>3</sup>

Not every dollar given to an advocacy group goes directly to political advocacy activities. However, federal dollars are fungible. Every federal dollar frees private resources to be spent on political, lobbying, and other advocacy activities. Moreover, federal funds make the organization appear to be a larger force in the political arena than it would if it were totally reliant upon private contributions. For example, the National Council of Senior Citizens receives 96 percent of its funding from the federal government.

The NCSC is but one of many advocacy organizations receiving federal funds. Here are just a few other examples:

The AFL-CIO benefited from more than \$2,000,000 between July 1993 and June 1994. According to the AFL-CIO News Online, the AFL-CIO used the Memorial Day recess to increase pressure on Members of Congress with its "Stand UP" campaign: "In those [5 targeted] districts, the AFL-CIO provided radio ads and coordinators to work with local union officials and legislative action committees. Other activity included direct mail, jobsite leafleting, phone call drives using the AFL-CIO's toll-free hotline, petition drives, town meeting attendance, and letters and columns submitted to local newspapers."<sup>4</sup>

Recently, the Service Employees International Union produced a newspaper advertisement opposing tax cuts and efforts in Congress to slow the growth of welfare and Medicare. SEIU claims Congress is attempting to "loot" welfare programs and "steal" from low-income home-energy assistance to help finance "corporate special interests." The ad lamented the impact on Fannie Johnson and her family in Ohio.<sup>5</sup> This labor special interest benefited from \$137,000 in taxpayer funding in 1993 (for an "anti-discrimination public education campaign"). Terminating it would eliminate the tax burden of nearly 30 families just like Ms. Johnson's in Ohio.

Families USA—a driving force behind the Clinton big-government health care plan, including the failed last-ditch attempt to revive it last summer through a nationwide bus tour<sup>6</sup>—received \$250,000 from the taxpayers between July 1993 and June 1994.

The Child Welfare League of America received more than \$250,000 in federal funding, then turned around and launched an ad campaign to increase welfare spending. The League ran an advertisement opposing the Contract With America's welfare reform bill which charged that "More children will be killed. More children will be raped."<sup>7</sup>

The National Trust for Historic Preservation received approximately \$7 million from the federal government in FY 1994—22 percent of its budget. In the same year, the Trust "launched a lobbying campaign against the Disney project" in Northern Virginia.<sup>8</sup> In 1993, it "lobbied Congress to expand the historic rehabilitation tax credit."<sup>9</sup> The group's president, Walter Mondale's former chief of staff Richard Moe, said the full credit would cost "\$1.4 billion over five years."<sup>10</sup>

The American Nurses Association received nearly \$1 million between July 1993 and June 1994 from the U.S. taxpayers. In 1994, the ANA endorsed the Gephardt health care plan and actively lobbied for it. According to the union's own press release announcing this endorsement, "The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by . . . lobbying Congress and regulatory agencies on health care issues affecting nurses and the public."<sup>11</sup> The *Political Finance and Lobby Reporter* revealed on May 12, 1995, that two new ANA lobbyists had registered.

The American Federation of State, County and Municipal Employees, which received nearly \$150,000 in the most recent grant reporting period, denounced the House welfare plan, saying it "will drive more families into poverty and turns its back on hardworking Americans who fall on bad times. This is the small print in their evil Contract on America." AFSCME President Gerald McEntee went on to say that "AFSCME will continue to fight for real welfare reform that includes

Footnotes at the end of article.

jobs at decent wages, child care, health care and education and training.”<sup>12</sup>

Actually, however, government funding of advocacy organizations can hurt their cause. Well-grounded public policy institutions prosper from strong grassroots support backed by individual financial contributions. Much like a profitable company, they can measure support by looking at how many people were willing to open their checkbooks for the cause:

The plain fact is that political advocacy groups will not flourish on the basis of government subsidy. Rather they will prosper only insofar as they develop financial roots in the polity. Reliance on the government trough is no sign of the commitment of your adherents to your cause.<sup>13</sup>

#### NOT A NEW PROBLEM

Federally funded advocacy is not a new problem. Congress recognized the potential for abuse more than 75 years ago when it passed a law prohibiting the use of federal funds for political advocacy. Unfortunately, the prohibition was too vague, too lenient, and too weakly enforced. Put simply, auditing of federal grants by the government does not provide the level of scrutiny needed to root out abuse.

The scope of the problem can be seen by examining the *Catalog of Federal Domestic Assistance*, published every six months by the federal government. It details nearly every federal program from which eligible individuals, organizations, and governments can receive tens of billions of dollars in taxpayer funding.

For years, congressional offices have worked with constituents to help them find federal grants, in the process becoming very familiar with the *Catalog* as a guide to sources. But very few congressional staff employees have been aware of abuses in the grants process. These abuses are long-standing. In testimony before the House Committee on Government Operations in 1983, Joseph Wright of the Office of Management and Budget noted that the General Accounting Office had found problems as far back as 1948.<sup>14</sup>

In the early years of the Reagan Administration, the OMB attempted to revise OMB Circular A-122 (originally issued in the final year of the Carter Administration) to redefine limits on “allowable costs” by federal grantees. The revision, first released in January 1983, was widely criticized as overly broad, excessively burdensome, and unenforceable.

One of the focal points of the initial debates was the fact that the original OMB proposal apparently would have disallowed the use of any equipment, personnel, or office space for both federal grant and political advocacy purposes if at least 5 percent of the organization's resources was used for lobbying. For example, a copy machine could not be used to produce flyers for a rally on Capitol Hill if it was paid for—in whole or in part—by taxpayer funds. Many nonprofits objected to such clear separation between federal funding and political advocacy.

Months later, OMB Director David Stockman and General Counsel Michael Horowitz withdrew the original proposal and released a new draft with a more narrow definition of prohibited activities. This watered-down version no longer drew a clear line between allowable and unallowable costs. Instead, it specified a few examples of prohibited behavior, including a prohibition on reimbursement for conferences used in “substantial” part to promote lobbying activities.

Unfortunately, this effort to appease federally funded nonprofits and quell opposition in Congress was futile. Because Congress signaled its clear opposition to working with

the Reagan Administration to curb federally funded lobbying activities, despite the fact that all parties acknowledged such behavior was inappropriate, A-122 failed to improve substantially the restrictions on lobbyists billing Uncle Sam for their activities.

#### EXISTING PROHIBITIONS ARE NOT WORKING

Federal law prohibits the use of federal funds for lobbying (18 U.S.C. Section 1913). However, there is no clear set of guidelines as to specific prohibited practices. In addition, numerous appropriations riders have been offered and approved in the past in an effort to curb federally subsidized lobbying. The purpose of the Reagan Administration's attempt to create a more stringent version of OMB Circular A-122 was to tighten the gaping loopholes in existing law and to implement Congress's intent in passing lobbying prohibitions.

Circular A-122 drew on several distinct concepts to frame the new guidelines.

Taxpayers are not obliged to fund advocacy they oppose. The Supreme Court in 1977 ruled that taxpayers are not required, directly or indirectly, “to contribute to the support of an ideological cause [they] may oppose.” (*Aboud v. Detroit Board of Education*)

Freedom of speech does not depend on federal funding. In 1983, the Supreme Court unanimously ruled that the federal government “is not required by the First Amendment to subsidize lobbying. . . . We again reject the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State.” (*Reagan v. Taxation with Representation*)

The Internal Revenue Code does not alleviate the problem. The notice of the request for public comment on the second revision of A-122 notes that current IRS rules threaten tax-preferred organizations only if they exceed defined limits on lobbying. However, the limits are not tied in any way to the receipt of federal funds, leading to many of the same problems from which the 1919 law prohibiting federally funded lobbying suffers.

Unfortunately, the firestorm created by the first proposed revision of A-122 led to a second draft that watered down the tough initial provisions and failed to solve the problems outlined by the Administration in presenting its proposals. The notice of public comment on the second proposal stated that its “purpose [was] assuring compliance with a myriad of statutory provisions mandating that no federal funds used for lobbying purposes, and to comply, in balanced fashion, with fundamental First Amendment imperatives.” Despite the best of intentions, the revised A-122 did not meet these goals.

A particularly serious provision of the second revision was its enforcement mechanism. A popular maxim in the 1980s was “trust but verify.” OMB Circular A-122 relied on trust alone:

“[T]he federal government will rely upon [the nonprofit employee's] good faith certification of lobbying time below 25%. . . . Under the proposal, the absence of time logs or similar records not kept pursuant to grantee or contractor discretion will no longer serve as a basis of contesting or disallowing claims for indirect cost employees.”

In essence, this lack of verification of time spent on lobbying activities permits the individual to state that he is complying with the law even if that is not the case. This is worse than the fox guarding the henhouse. If a nonprofit is willing to violate the restrictions on advocacy, surely it will have no qualms about certifying it is in compliance with the law.

#### TOUGHER RESTRICTIONS NEEDED

Tougher laws are needed to prevent the abuse of taxpayers' funds by federal grant-

ees. There is no excuse for compelling John Q. Public to support political advocacy that he opposes. It is fiscally irresponsible and morally indefensible.

The following should be essential parts of any congressional efforts to curb current abuses:

**Truth in Testimony.** Witnesses testifying before Congress should be required to divulge in their oral and written testimonies whether they receive federal funds and, if so, for what purpose and in what amount. This will permit committees to view the testimony in an appropriate light.

**No Federal Funding for Advocacy.** No organization that receives federal funds should be permitted engage in any thing but incidental lobbying activities, except on issues directly related to its tax status.

**No Bureaucratic Shell Games.** No recipient of federal funds should be permitted to maintain organizational ties to any entity that engages in lobbying activity. All subgrantees should be treated as if they received the funds directly from the federal government. Independent Sector, an organization representing hundreds of nonprofit advocacy groups, unwittingly indicated the need for this in a recent report: “Although the nonprofit organization received a check from the local government, the local government may have received some or all of its funding for this project from a Federal Community Development Block Grant (CDBG).”<sup>15</sup>

**Meaningful Auditing.** The Inspectors General of the various federal departments and agencies must investigate more thoroughly any abuses of current law, as well as new laws passed by the Congress.

**Tough Penalties.** The consequences for violating the prohibition on federally subsidized lobbying must be sufficient to discourage organizations from violating the standards. Under no circumstances should any organization that willingly and knowingly violates the prohibitions receive further federal funding.

Representative Robert K. Dornan (R-CA) has introduced H.R. 1130, the Integrity in Government Act, which would prohibit a recipient or paid representative of any federal award, grant, or contract from lobbying in the following circumstances:

In favor of continuing the award, grant, or contract;

In favor of the actual program under which the funds were disbursed;

In favor of any other program within the broad department or agency; and

In favor of continued department or agency funding.

The Dornan legislation also prohibits tax-exempt lobbying organizations from receiving federal funds. Representatives Bob Ehrlich (R-MD), Ernset Istook (R-OK), and David McIntosh (R-IN) also are working on legislation to remedy this problem.

It is difficult to craft legislation that satisfactorily defines prohibited activities. Moreover, any bill designed to redress these abuses must prevent organizations from simply establishing separate bank accounts and separate names. To be effective, there must be a definite and complete physical separation between all federally and privately funded resources.

#### CONCLUSION

Taxpayer-subsidized political advocacy represents pure fiscal folly and moral injustice. No hard-working American should be compelled to finance lobbying activities with which he disagrees. The Founding Fathers would be appalled at current federal grant making. Thirteen years ago, The Washington Post editorialized:

“[W]e agree that there is something disturbing about organizations that strongly

advocate positions many sensible people find politically or morally repugnant, acting at the same time as administrators of government programs. It is easy to believe that the advocacy groups' employees will sometimes proselytize the program's beneficiaries in ways we would consider inappropriate (though not unheard of) for a civil servant. Advocacy organizations might also want to ask themselves whether they risk compromising their own purposes by accepting government money, and whether they want to assume the inevitable risk that it might be withdrawn suddenly for legitimate political reasons."<sup>16</sup>

Abuse of federal grant funds must be stopped. Tougher restrictions are needed to prevent lobbying organizations from obtaining some or most of their revenue from the American taxpayers. Auditing and investigation of federal grantees by the Executive Branch must be strengthened. However, a danger always exists that as long as government funds go to advocacy organizations, the "wall of separation" will be porous. Moreover, the less fortunate would be assisted more directly by eliminating the middleman who "does well by doing good."

Without restoring integrity to government by ending federally funded lobbying, Congress and the President will continue to squander millions of taxpayer dollars each year. Political patronage should have no place in the federal budget.

Marshall Wittmann, Senior Fellow in Congressional Affairs.

Charles P. Griffin, Deputy House Liaison.

#### FOOTNOTES

<sup>1</sup> Marshall Breger, "Halting Taxpayer Subsidy of Partisan Advocacy," *Heritage Lectures* No. 26, 1983, p. 10.

<sup>2</sup> James T. Bennett and Thomas J. DiLorenzo, *Destroying Democracy: How Government Funds Partisan Politics* (Washington, D.C.: Cato Institute, 1985), p. 388.

<sup>3</sup> James Payne, *The Culture of Spending* (San Francisco: ICS Press, 1991), p. 17.

<sup>4</sup> *AFL-CIO News Online*, June 7, 1995, downloaded from the AFL-CIO's Internet site on June 16, 1995.

<sup>5</sup> Advertisement, "Fannie Johnson Can't Afford Another Republican Tax Cut," *The New York Times*, June 15, 1995, p. B-11.

<sup>6</sup> "The \$2 million [bus] trip is financed by Families USA, a liberal philanthropy, with unions and other groups." Families USA was the "chief sponsor of the caravans." Jennifer Campbell, "Caravan Met with Mixed Reaction," *USA Today*, July 29, 1994, p. 4A.

<sup>7</sup> Advertisement, "First neglect at home, Now abuse by Congress," *The Washington Times*, March 22, 1995, p. A19.

<sup>8</sup> Editorial, "The War of the Subsidies," *The Washington Times*, May 6, 1994, p. A22.

<sup>9</sup> James H. Andrews, "Historical Trust Uses Its Clout for US Heritage," *The Christian Science Monitor*, May 14, 1993, p. 12.

<sup>10</sup> Charlene Prost, "Historic Preservation Trust Seeks to Gain New Members," *St. Louis Post-Dispatch*, October 5, 1993, p. 13B.

<sup>11</sup> PR Newswire, ANA press release, August 11, 1994, obtained from NEXIS.

<sup>12</sup> PR Newswire, AFSCME press release, March 27, 1995, obtained from NEXIS.

<sup>13</sup> Marshall Breger, "Partisan Subsidies: Democracy Undone," *The Washington Times*, December 6, 1983, p. 2C.

<sup>14</sup> Joseph R. Wright, Jr., testimony in *Hearing on Proposed Revisions to OMB Circular A-122*, Committee on Government Operations, U.S. House of Representatives, 98th Cong., 1st Sess., March 1, 1983, p. 2.

<sup>15</sup> See "Impact of Federal Budget Proposals Upon the Activities of Charitable Organizations and the People They Serve," Independent Sector, June 1995, p. 314.

<sup>16</sup> Editorial, "Financing the Left," *The Washington Post*, April 26, 1982.

#### APPENDIX

The following case studies demonstrate the need to reform the federal grants process. The organizations analyzed were selected for illustrative purposes and do not represent the entire universe of the problem.<sup>1</sup>

<sup>1</sup> The dollar amounts provided are approximate, based on information provided by congressional of-

#### American Association of Retired Persons (AARP)

AARP receives funding for approximately one-quarter of its annual expenditures from the federal government. Sources range from programs for the elderly to millions of dollars annually to provide clerical support to the EPA.

Senior Environmental Employment Program (EPA: 66.508) .....	\$20,000,000
Tax Counseling for the Elderly (IRS: 21.006) .....	4,600,000
Sr. Community Service Employment Program (DOL: 17.235) .....	49,000,000
Breast/Cervical Cancer Detection Program (HHS: 93.919) .....	75,000
Total .....	73,675,000

#### American Bar Association (ABA)

The American Bar Association received \$2.2 million in federal grants between July 1993 and June 1994.

Missing Children's Assistance (DOJ: 16.543) .....	\$1,242,000
Social, Behavioral, and Economic Studies (NSF: 47.075) .....	138,000
"Resistance and Rebellion in Black South Africa: 1830-1920" .....	
Juvenile Justice and Delinquency Prevention (DOJ: 16.541) .....	100,000
Nat'l Institute for Juv. Justice and Delinquency Prev. (DOJ: 16.542) .....	50,000
Justice Research, Development and Evaluation (DOJ: 16.560) .....	139,000
Drug Control and System Improvement (DOJ: 16.580) .....	125,000
Title IV—Aging Programs (HHS: 93.048) .....	200,000
Child Welfare Research and Demonstration (HHS: 93.608) .....	125,000
Child Abuse and Neglect Discretionary Activities (HHS: 93.670) .....	58,000
Disaster Assistance (FEMA: 83.516) .....	30,000
Total .....	2,207,000

#### AFL-CIO

The AFL-CIO (and its affiliates) received \$10.7 million in federal funding between July 1993 and June 1994. Following is an overview of this organization's federal funding:

Tripartite Construction Training Tech. Xfer (DOL 17.AAA) .....	\$1,119,000
Section 8 Rehabilitation (HUD: 14.856) .....	868,000
Occupational Safety and Health (DOL: 17.500) .....	70,000
Targeted Training Program—Logging .....	

In addition, the following contracts were awarded to the AFL-CIO Appalachian Council:

DOL/ETA: Vocational-Technical Training .....	\$2,670,000
DOL/ETA: Other Ed/Training Services .....	5,974,000
Total .....	10,701,000

fices from searches in the Federal Assistance Awards Data System (FAADS) database. All financial data cover the period from June 1993 to July 1994, unless otherwise specified. Numbers in parentheses are referenced numbers for programs listed in the *Catalog of Federal Domestic Assistance*.

#### Child Welfare League of America (CWLA)

The Child Welfare League of America received the following grants between July 1993 and June 1994:

Intergenerational Grants (Corporation for National Service: 72.014) .....	\$58,000
Adoption Opportunities (HHS: 93.652) .....	2,000
Special Programs for the Aging (HHS: 93.048) .....	200,000
Total .....	260,000

#### Consumer Federation of America (CFA)

The Consumer Federation of America received more than \$600,000 from the EPA. The code assigned to the award was not found in the Catalog.

Radon Projects (EPA: 66.AAC) .....	\$610,000
Total .....	610,000

#### Environmental Defense Fund (EDF)

The Environmental Defense Fund benefited from more than \$500,000 in taxpayer funding.

Drainage Management System (DOI: 15.BBZ) .....	\$50,000
Tradable Discharge Permits (EPA: 66.AAC) .....	15,000
Air Pollution Control Research (EPA: 66.501) .....	90,000
National Recycling Campaign (EPA: 66.AAC) .....	360,000
Total .....	515,000

#### Families USA

Families USA received at least \$250,000 from the Department of Health and Human Services.

Special Programs for the Aging (HHS: 93.048) .....	\$250,000
Total .....	250,000

#### League of Women Voters (LWV)

The League of Women Voters benefited primarily from EPA funding for various environmental research projects.

Clean Air Act Policy Development (EPA: 66.AAC) .....	\$100,000
UV Index (EPA: 66.AAC) .....	21,000
Managing Solid Waste Training (EPA: 66.951) .....	39,000
Community Ground-Water Education Project (EPA: 66.AAC) .....	190,000
Nuclear Waste Primer (DOE: 81.065) .....	261,000
Total .....	611,000

#### National Council of Senior Citizens (NCSC)

The NCSC receives 96 percent of its funding from the federal government.

Dislocated Worker Assistance (DOL: 17.246) .....	\$6,000
Senior Environmental Employment Program (EPA: 66.508) .....	9,988,000
Section 8 Housing Rehabilitation (HUD: 14.856) .....	522,000
Sr. Community Service Employment Program (DOL: 17.235) .....	61,000,000
Total .....	71,516,000

#### World Wildlife Fund (WWF)

The World Wildlife Fund received \$2.6 million in federal funding between July 1993 and June 1994. Following is an overview:

Undesignated EPA Grants	\$618,000
Global Marine Contamination Project (EPA: 66.501)	450,000

In addition, 31 federal contracts were awarded to "Resolve, World Wildlife Fund" during this same period. These contracts were from the EPA for "Other Management Support Services" and totaled \$1.5 million.

Total .....	2,600,000
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Mr. CRAIG. This paper spells out a broad cross-section of groups in this country that receive as much as \$2 and \$3 million a year in tax dollars, under grants, directly to them, to fund a variety of activities. Many of those interests engage in direct lobbying here, in paid advertising, in every method possible under their right of free speech to cause the Congress of the United States to vote in a certain way.

It is time, I believe, that we make it very clear to those groups that they have every right to exist and that their right to free speech is not infringed upon. But let me suggest that the right of free speech is not tied directly to the right to receive a Federal grant so you can have free speech. While some may argue that they have the right to do certain things—and I would not dispute that—we, as legislators, without question have the right to determine where the tax dollar goes. That is what I am asking that the Senate decide this afternoon and I think that is what the Senator from Wyoming is asking in the amendment he has offered, in a very narrow section of the IRS Code, that we say that the not-for-profit advocacy groups not be allowed to receive money in the Federal form of grant or contract or loan that in any way they can use for the purpose of advocacy or for the purpose of lobbying.

I hope my colleagues will join with the Senator from Wyoming and myself and others in the support of this amendment as we incorporate it in this important legislation, as we work to clarify the whole concern about lobbying in our country, so that the American taxpayer clearly understands our relationship with special interests and the right of all special interests to come to the Congress of the United States to argue their point of view.

I strongly support that. But I do believe it is important that in every way we make it clear and simple to understand how we are approached through the public process.

Mr. President, let me close with this quote from Thomas Jefferson.

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

Even then Thomas Jefferson was recognizing that no person's dollar should be used to argue a point of view that he or she disagreed with.

Mr. President, in closing, I ask for the yeas and nays on the Simpson-Craig amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The amendment is not before us at this time, the Chair informs the Senator.

The absence of a quorum having been suggested—

Mr. LEVIN. Mr. President, I withhold that. Is there a vote now which has been ordered on the Simpson amendment?

The PRESIDING OFFICER. That amendment is not before us.

Mr. LEVIN. Is it the intention of the Senator from Idaho to ask unanimous consent that it be in order to ask for the yeas and nays on the Simpson amendment.

Mr. CRAIG. It is, and I would so do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Now I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Simpson amendment be in order for the purpose of a second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1842 TO AMENDMENT NO. 1839

(Purpose: To prohibit certain exempt organizations from receiving Federal grants)

Mr. CRAIG. Mr. President, I so send that second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1842 to amendment No. 1839.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "Sec.", and insert the following:

#### EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) which engages in lobbying of the Internal Revenue Code of 1996 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. CRAIG. Mr. President, the purpose of the second-degree amendment is to make clear what, by some people's concern, was not clear, and that is what is the intent of the Simpson amendment. We are addressing section 501 of the IRS Code and, in particular, the 501(c)(4) not-for-profit advocacy groups who receive Federal grant money. What we are saying and what the second-degree amendment clarifies is the difference between their options under this amendment; that is, they

could continue to hold their 501(c)(4) status and lobby, but they could not receive Federal moneys under that status.

If they chose to want to continue to receive Federal grants, they would have the election, under the 501 section of the IRS Code, to become a 501(c)(3), and in that category, not only is the definition of "lobbying" very clear, but the method by which they must handle and account for their Federal dollars. The IRS is very strict and very clear as to the accounting and the management of those dollars so that they are not commingled, so they are kept separate, so that the organization, without question, divides the use of those dollars, so there is not the intent or the ability to use Federal dollars for the purpose of lobbying.

That is, without question, the intent of the Simpson amendment. We thought it was important that it be clarified. I believe the second-degree amendment so clarifies.

Mr. McCONNELL. Will the Senator from Idaho yield for a question?

Mr. CRAIG. I will be more than happy to yield for the purpose of a question.

Mr. McCONNELL. So the Senator from Kentucky is correct in assuming that the purpose of the Craig second-degree amendment to the Simpson amendment is to make it clear that a group currently qualifying under 501(c)(4) can continue to be a 501(c)(4)—

Mr. CRAIG. A not-for-profit advocacy group.

Mr. McCONNELL. And receive Federal grants, but if Federal grants are received, that organization will no longer be allowed to lobby.

Mr. CRAIG. That is correct.

Mr. McCONNELL. And is the Senator from Kentucky further correct in inquiring as follows: If a group currently a 501(c)(4) after the adoption of the Simpson amendment, as amended by the Craig amendment, concluded that receiving Federal grants was critical to its mission, then a logical response to the adoption of this amendment would be to consider qualifying as a 501(c)(3); is that correct?

Mr. CRAIG. That would be correct.

Mr. McCONNELL. I thank the Senator from Idaho. I think his amendment is very useful.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to thank very much Senator McCONNELL for his precise inquiry here, and particularly Senator LARRY CRAIG, my colleague from Idaho. There is no intent here to injure the groups that are listed under what I use as a pretty active resource, the GAO report on selected tax-exempt organizations. It gives a list of 501(c)(4) organizations.

Mr. President, I ask unanimous consent that that list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Assets, Revenues and Expenses of the Tax-Exempt Organizations Included in This Study

[In thousands of dollars]

Name of organization	Assets	Revenues	Expenses
Social welfare organizations:			
American Association of Retired Persons .....	330,638	292,264	310,763
AVMED, Inc .....	98,346	310,256	288,561
Bank of Sweden Tercentenary Foundation .....	284,429	20,988	14,371
Blue Care Network of Southeast Michigan .....	132,446	173,845	158,686
Blue Care Network-Great Lakes .....	54,598	172,034	169,729
Blue Cross Blue Shield Association .....	134,320	133,381	131,159
California Vision Service .....	143,754	304,224	299,865
Capital District Physician's Health Plan, Inc. ....	69,372	164,166	151,289
City of Mesa-Municipal Development Corporation .....	50,152	3,101	2,339
City of Scottsdale Municipal Property Corporation .....	203,588	41,913	15,178
Columbus Multi-School Building Corporation .....	57,291	1,653	3,316
Connecticare .....	60,906	190,645	187,197
County of Riverside Asset Leasing Corporation .....	580,280	34,651	29,879
CSDA Finance Corporation .....	274,390	19,787	19,730
Delta Dental Plan of Michigan, Inc. ....	148,660	401,729	399,206
Delta Dental Plan of New Jersey, Inc. ....	67,113	130,564	122,605
Disabled American Veterans .....	144,832	70,995	68,854
Firemen's Association of the State of New York .....	66,710	9,549	5,610
Firemen's Relief Association of Minnesota .....	52,968	3,403	1,419
Group Health Association .....	82,704	251,817	248,624
Henry Ford Health Care Corporation Liability Fund .....	55,565	23,345	21,712
Higher Education Assistance Foundation .....	216,210	172,588	62,703
Higher Education Loan Program of Kansas, Inc. ....	235,523	14,972	10,969
Independent Health Association, Inc. ....	83,935	252,288	244,398
International Olympic Committee .....	127,121	18,122	22,696
JADER Trust .....	101,133	6,194	4,060
Luso-American Development Foundation .....	130,327	24,890	15,188
Marine Spill Response Corporation .....	264,818	84,610	72,888
Medcenters Health Care, Inc. ....	102,899	352,189	349,834
Merrillville Multi-School Building Corporation .....	117,269	3,304	5,773
Midwest Foundation Independent Physicians Association .....	110,063	225,844	213,056
Minneapolis Fire Department Relief Association .....	165,395	15,777	11,714
Minneapolis Police Relief Association .....	264,282	41,230	967
Minnesota School Boards Association Insurance Trust .....	67,554	42,090	42,056
Mohawk Valley Physician's Health Plan .....	66,183	178,909	175,637
Municipal Improvement Corporation/Los Angeles .....	69,061	151,037	158,579
Mutual of America Life Insurance Company .....	5,521,940	746,637	718,746
National Rifle Association of America .....	111,019	101,781	139,022
New Albany-Floyd County School Building Corporation .....	57,932	1,242	51
Physicians Health Plan, Inc. ....	56,639	178,754	178,352
Regional Airports Improvement Corporation .....	489,656	38,936	38,936
Sisters of Providence Good Health Plan of Oregon .....	58,863	117,663	111,068
The Buffalo Enterprise Development Corporation .....	78,897	2,192	2,926
Trans-Alaska Pipeline Liability Fund .....	327,579	37,746	57,633
Tufts Associated Health Maintenance Organization .....	88,902	311,821	300,897
Washington Dental Service .....	73,670	191,874	188,824
Labor and agricultural organizations:			
AFL-CIO .....	77,991	69,037	61,736
Air Line Pilots Association .....	97,057	82,143	69,723
Amalgamated Clothing and Textile Workers Union-Rochester Joint Board .....	25,273	3,589	2,053
American Federation of State, County and Municipal Employees .....	26,862	77,326	74,497
American Federation of Teachers, AFL-CIO .....	51,073	69,280	63,279
Atlantic Coast District ILA .....	26,130	3,275	2,726
Bakery Confectionery and Tobacco Workers International .....	24,178	11,875	12,056
Carrier-ILA Container Freight Station Trust Fund .....	33,375	14,544	2,330
Dakota's Areawide IBEW-NECA Pension Fund .....	35,770	3,447	1,295

Mr. SIMPSON. Mr. President, if each of those groups or members of those groups contacted their elected representatives, I am sure that they would be in shock, indicating that they were going to lose something.

So what has occurred in this colloquy and with the second-degree amendment is a very important reiteration of points I made when I spoke during the offering of the amendment as to why the amendment is important.

I think it has been clarified, but let us just do it one more time and, perhaps, if there are any further questions, I hope those who resist the amendment will enter the debate so that we can assure them that this amendment, now as second degreed by Senator CRAIG, does not prevent any 501(c)(4) organization from refiling as a 501(c)(3) and then accepting that category's limits on lobbying.

The only circumstance in which they would be cut off from Federal funds would be if they chose then to remain entirely under 501(c)(4), in effect choosing the unlimited lobbying over the Federal grants.

Under the second-degree amendment, they now have an additional option to stay in 501(c)(4) status without lobbying. So there is no attempt to restrict anyone. The 501(c)(4)'s have the ability—I hope you hear this—they have the ability to spend millions and millions of dollars without restriction. They have no restriction whatsoever. All we are saying is that in the language now of the amendment, as amended by the second-degree amendment—I am going to read it so it will be right in context in this debate, it will now read:

An organization described in section 501(c)(4) which engages in lobbying . . . shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan or any other form.

That is the intent. It is, I hope, clarified now. And if there are those who are not in accord with the amendment, those in opposition, Senator CRAIG and I and others—

Mr. CRAIG. Will the Senator yield?

Mr. SIMPSON. Yes, indeed.

Mr. CRAIG. I want to take this brief moment to thank the Senator from Wyoming for his leadership in this area. As I mentioned in my comments,

this is an issue we have debated now for over 75 years in one form or another, on one occasion or another, and the fundamental concern of Senators long before us was that Federal tax dollars should never be used for the purpose of lobbying; that we should never restrict the right of the citizen, or the group, or the organization to be an advocate before their Government, but that the Government should not be promoting, by the use of those dollars, their right, or their role, or their activity as an advocacy group, that they could under another category receive Federal dollars and perform services so defined by the grant of, or the use of, the Federal dollar or contract. But they could not use those or turn those dollars for the purpose of advocating what might be a very narrow position and not a majority position or a mainstream position of the American people.

The Senator from Wyoming has, in the last good many months, been a strong and outspoken leader on this issue; I think rightfully so. I think the fact he has brought before the American public that literally billions of

dollars are now being used for these purposes—and they should not be—has been well taken. I am pleased that he came forth with the amendment. It helps us clarify the use of these dollars, and I think the American taxpayer will applaud his effort. I thank him for it.

Mr. SIMPSON. I appreciate that indeed. That is a reason. There is another reason, as I have observed it over the past many months. Oftentimes, these groups that obtain Federal funding and support will use that money to then lobby the Federal Government for more Federal support for their members. In other words, whatever the issue is—it may be health care, or whatever it may be—they are using the Federal support to then lobby for more Federal support, to get more money from the Federal Treasury for whatever issue is paramount on their screen. I think that is wrong. I add that.

Mr. LEVIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. LEVIN. Will the Senator yield for a question?

Mr. SIMPSON. Indeed, I yield to my friend from Michigan.

Mr. LEVIN. As I understand the amendment, as amended by the Senator from Idaho, it would prevent an organization, such as the Disabled American Veterans, that I see on the list here, from receiving any kind of a grant from the Federal Government, if they also want to use even funds that are from a totally unrelated source for lobby; is that correct? In other words, the amendment of the Senator from Wyoming, as amended, is not simply restricting the 501(c)(4) organization, such as the DAV, from both lobbying and receiving a grant. But what the Senator is doing in his amendment, as I understand it, is now telling these organizations that if you get a grant from the Federal Government for one purpose, even though you are using money from a totally different source for lobbying, you may not do both; is that correct?

Mr. SIMPSON. Mr. President, in response to the Senator from Michigan, if I understand the question, what we are saying here is if they get anything from the Federal Government in the form of an award, grant, contract, loan, or any other form, they can file as a 501(c)(3) corporation, nonprofit, or they can stay and continue their work as a 501(c)(4) corporation, but they cannot lobby.

Mr. LEVIN. Now, we have asked the members of the Finance Committee, or the staff of the Finance Committee that are more familiar with (c)(3) and (c)(4) than this Senator—I have not had any dealings with this—I am simply trying to obtain information while we are getting a reaction from committee members and the staff. I believe there was a hearing on this issue, and I think it was in the Judiciary Committee or Finance, in the last few months on this issue.

Mr. SIMPSON. Mr. President, we have had a hearing on the issue of 501(c)(4)'s that receive money from the Federal Government. In this case, it was in the form of grants and awards. We have held a hearing.

Mr. LEVIN. In the Judiciary Committee?

Mr. SIMPSON. In the Finance Committee.

Mr. LEVIN. So we are hoping that the Finance Committee members have some feelings about the Simpson amendment, as amended, and that they would make those feelings known, because this Senator is not able to comment on some of the intricacies—or implications, I should say—of the amendment. I want to be real clear on one thing. If a 501(c)(4) organization—and I see on this list that they include the Disabled American Veterans, International Olympic Committee—if they receive a grant from the Federal Government for some purpose totally unrelated to lobby, they then may not use funds from some different source, other than the Federal Government, to lobby and continue to have their 501(c)(4) status, is that correct?

Mr. SIMPSON. That is correct, Mr. President.

Mr. LEVIN. What all the implications are of that on these organizations, I do not know. I assume that an organization that has a (c)(4) status, which is allowed to lobby, presumably not using Government funds to do so, because I think that would be prohibited under current law; nonetheless, that organization would then have to make a choice, and I presume one of the choices would be to form another (c)(4) organization for the purpose of lobbying—which would be allowed to lobby; put it that way—using sources other than nongovernmental sources. That would always be a choice.

Let me ask my friend from Wyoming, who is much more knowledgeable about this, under current law, can a 501(c)(4) organization use a Federal grant or award for lobbying purposes?

Mr. SIMPSON. Mr. President, a 501(c)(4) corporation cannot, in that sense, use a Federal grant or award for “lobbying” purposes.

Mr. LEVIN. That is under current law, is that correct?

Mr. SIMPSON. Under current law, yes.

Mr. LEVIN. Well, Mr. President, again, I am not as familiar with the implications of this. It would seem to me, however, that if one of these organizations wanted to create two 501(c)(4)'s, they could do so under the Simpson amendment, as amended, and have one organization accept Federal grants for the purposes that the grants are awarded for, and its other (c)(4) organization be in business for whatever the current business is, including permission to lobby, providing it does not use Federal funds for that purpose, as the current law is.

Mr. SIMPSON. Mr. President, I just add that the problem is this: The Gov-

ernment in this situation, then, is subsidizing the activities, the benefits provided by the largest of lobbyists, who have this extraordinary advantage over all other lobbyists. And there are 25 different section (c) corporate tax exemptions; there are 25 of them—the (c)(3)'s, which are familiar to most of us, and the (c)(4), (c)(5), (c)(6), and (c)(7), et cetera. It is the subsidization of the activities, the benefits provided, because they have the ability to spend as much as they wish. They have unlimited ability to inject as much money—if I might have the attention of my friend from Michigan, who I have the deepest affection and respect for. If we are really going to do something about big, big lobbyists, then it seems to me that we should direct it at the biggest ones of all, the ones who have unlimited ability to lobby. There is not a single restriction on a 501(c)(4). They can spend themselves into oblivion. I say, let them do that if they are going to raise their money from contributions and dues and the things that supposedly guide an organization's efforts and objectives, but not in grants, and on and on, from the Federal Government. That is the pitch. I am not directing it at any single institution.

In my research, I came across these extraordinary things. There are some organizations listed on here that you and I probably have never heard of, that have millions and millions of dollars involved in lobbying. All we are saying is, Look, lobby to your little old heart's content. You just keep right on doing it. But if you are going to get Government support, then you are going to have to go to 501(c)(3), which is truly charitable, for religious, charitable, veterans, education, compassion, whatever you have to list. Let them do that. Let them go to 501(c)(3).

You mentioned DAV. There is not a single group here listed in the 501(c) that could not qualify as having a charitable purpose and meet every test of a 501(c)(3).

Mr. LEVIN. Mr. President, will the Senator yield?

Would it also not be true an organization such as the DAV could create an additional 501(c)(4) which would have as its purpose whatever the purposes are of the current 501(c)(4), and be allowed to lobby, providing it did not receive Federal grants?

In other words, there is an additional option. It is not just a 501(c)(4). The Senator from Wyoming has opened the option to create another 501(c)(4) which will receive Federal grants, and the original 501(c)(4) could continue to lobby.

That is an additional option which the Senator does not preclude, is that not correct?

Mr. SIMPSON. As I understand the question—I am a bit preoccupied. You might ask it again.

Mr. LEVIN. The Senator does not preclude an opening of an organization such as the DAV, creating an additional 501(c)(4) to receive those Federal

grants, providing that additional organization does not engage in lobbying activities?

Mr. SIMPSON. Mr. President, that would be my understanding. If they decided to split into two separate 501(c)(4)'s, they could have one organization which could both receive grants and lobby without limit.

Mr. LEVIN. And the Senator does not in his amendment remove the provision in the current law that exempts 501(c)(4)'s from paying taxes, even if they engaged in lobbying activities, providing, then, they are not eligible for Federal grants or awards?

Mr. SIMPSON. We are not, Mr. President, involved in anything more than the singular amendment, saying that they shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

We are not changing the tax-exempt status in that sense, although there have been many suggestions in both the hearing and on the floor and in discussion as to what to do with these groups. It is felt that this would be the most appropriate and understandable approach.

Mr. LEVIN. Mr. President, I just point out to my dear friend from Wyoming that his amendment leaves open many possibilities to these organizations. His remarks suggest that somehow or another if they are going to engage in lobbying, we will remove the subsidy under this amendment.

In fact, this amendment does not touch their tax-exempt status, if they continue to engage in lobbying. And, in fact, this amendment does not preclude, as the Senator from Wyoming phrased it, the splitting of an organization and the creation of another organization which could do the lobbying effort while organization No. 1 receives the Federal grants.

So offhand I do not see that this precludes 501(c)(4) from a number of options which it currently has, and therefore I am not in a position where I can say that I oppose it, because it seems to me it leaves open many options for 501(c)(4).

Again, I want members of the appropriate committee to take a look at this. I would not be able to accept it at this time. As one Senator, I have no objection to it, but I do want to weigh the views and members of the Finance Committee on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

#### AMENDMENT NO. 1842, AS MODIFIED

Mr. CRAIG. As the maker of the second-degree, let me send a correction of that amendment to the desk. It is a clerical correction.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LEVIN. Mr. President, I wonder if the clerk would read now the amendment, with the second-degree amendment as modified. I think it is still relatively short, and I think it would clar-

ify things for everybody if we would read the entire amendment, assuming the second degree were adopted as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Strike all after the word "Sec.", and insert the following:

#### . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. SIMPSON. Mr. President, the insert was in the previous sentence and it is now correct where it appears, appropriately on the second line. That is the intent. It is what I read into the RECORD a moment ago.

Let me just say to my friend from Michigan, ask my friends from Kentucky and Idaho, what we are finding is that there are groups in America who have tax-exempt status who, in effect, really skirt very closely to just truly big business. They are involved in big business.

I hope that maybe my friend would help in making inquiry of the tax-exempt status of some of these organizations—not now, but in the future—because I intend to propose additional reform, especially in this area of unrelated business income tax, called the UBIT legislation, taxing sources, income, royalties, and I plan to look at whether we should tax royalties, tax commercial insurance income. That is tax legislation. That needs to go through finance.

Here, I am dealing only with grants to lobbyists. That is what this is singularly to.

Mr. LEVIN. Mr. President, I know there are a number of Members that have questions about the amendment. Again, I am not able to accept the amendment at this time.

Mr. KYL. Mr. President, unless the Senator from Kentucky has something, I would like to speak to this amendment.

Mr. MCCONNELL. If I may briefly indicate that Senator LEVIN and I have reached an agreement on the underlying bill. It is our hope to offer that amendment and have it voted on at 6 o'clock. I would like to have a chance to explain the compromise well before 6 o'clock, but I have no problem giving up the floor at this point.

Mr. KYL. I plan to take about 3 minutes to speak in favor of this amendment. If the Senator would prefer to speak now, or I can go ahead.

Mr. MCCONNELL. I yield the floor.

Mr. KYL. I, too, hope this amendment can be agreed to. It has been pointed out there are ways around it, and that is certainly a possibility, should the amendment be adopted.

But it seems to me that, if we adopt this amendment, we will have made a statement that we want people to divide their operations if, in fact, that is

what they choose to do. They cannot be using the same operation, in effect, for both purposes. It is their right to divide the operation, to do lobbying with one and to have the 501(c)(3) with the other, and that is a possibility. But we would at least be on record as expressing our desire that Federal funds should not be used for lobbying.

That is why I support the amendment, and I want to just express a couple of other reasons why. It has been pointed out that there is a great deal of grant money that has been going to these taxpayer subsidized lobbying organizations, or I should say special interest organizations who also lobby.

Mr. President, at least \$39 billion in Federal grant money was distributed to more than 40,000 organizations in 1990 alone, the last year for which I have figures. That is money that Congress supposedly appropriated to help address important national needs.

Some of the organizations are ones that I have had an affiliation with.

The American Bar Association, for example, received \$2.2 million in Federal grants between July 1993 and June 1994 for such activities as missing children's assistance; aging programs; justice research; development and evaluation; and child welfare research and demonstration.

The American Association of Retired Persons received about \$84.7 million over the same period for the senior environmental employment program and the senior community service employment program.

The AFL-CIO received \$2 million. The National Council of Senior Citizens received \$71.5 million or about 96 percent of its entire budget from the Federal Government.

The problem, as has been noted, Mr. President, is that once a Federal grant reaches the organizations' bank account, it simply frees up additional dollars for the groups to spend on lobbying activities. Many of the organizations are on Capitol Hill every day, often lobbying for more taxpayer money on one program or another. Congress has not only been filling the trough, but paying these groups to feed there.

AARP, for example, has been lobbying strenuously against Medicare reform. The American Bar Association staged a protest on Flag Day against the proposed constitutional amendment to protect the flag. CARE, another organization that receives Federal funds, has been lobbying against cuts in foreign aid.

That is all fine. It is their right. Each one of those groups is entitled to its views, but none has the right to use taxpayer dollars to underwrite its lobbying activities. The U.S. Supreme Court, in the case of *Regan versus Taxation with Representation*, ruled unanimously in 1983 that the Federal Government "is not required by the first amendment to subsidize lobbying." The Court went on to say, "we again reject the notion that first



amendment rights are somehow not fully realized unless they are subsidized by the State."

Thomas Jefferson said it best 200 years ago: "to compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

The amendment directly prohibits any recipient of a Federal grant from spending those grant funds on political advocacy. I think we can all agree that is appropriate. And because money is fungible, it also sets limits on the amount of political advocacy that a grantee can perform with nongrant funds.

This amendment is not about free speech, or the right of any organization to petition the Government. Everyone is free to say what he wants. Every group is entitled to express its views to Government officials. What these groups are not entitled to is a subsidy from taxpayers to do that.

No American should be taxed to advance the political agenda of an organization that he or she may have no wish to support or one that advocates an agenda he strongly opposes. Subsidies for political advocacy are wrong.

There is another issue besides lobbying at stake here. When a group asks for Federal funds to conduct a certain activity—whether it is the YMCA to serve the needs of our Nation's youth, the World Wildlife Fund to protect the environment, or the National Council of Senior Citizens to help older Americans—we should expect that the group puts the funds to the intended use. When dollars are commingled and spent in lobbying, it is the every people we want to help that are hurt most. Every dollar that an organization pays a lobbyist is a dollar that could have been used to help a hungry child, someone who is homeless, or in need.

If an organization would rather lobby the Government than serve the needs of the people, it should be frank about it, refuse Federal funds, and go on about its business. We can find another organization that will devote the resources toward the intended purpose.

Mr. President, cutting aid to lobbyists should be the easiest cut we make in Federal spending. We should certainly eliminate it before considering any reductions in aid to the people these lobbyists purport to represent—children, the elderly, the needy, and the environment, to name just a few. It is time to cut off Federal funding for political advocacy by select groups.

It's time to let special interests raise their own funds to promote their points of view.

This amendment will do that, if not totally, 100 percent, at least in a way that sends the message that Congress wants to send on this important issue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am pleased to indicate that Senator LEVIN and I have reached an agreement on the underlying bill which he will be

sending to the desk shortly. We had hoped to have a vote on this Levin-McConnell compromise at 6 o'clock, but there are some problems on this side with regard to getting a vote at 6. But we thought we would go ahead and describe for our colleagues the agreement that has been reached and at the earliest opportunity, it would be the intention of Senator LEVIN and my intention to get a rollcall vote on this compromise.

Let me say first, in the category of the definition of a lobbyist, the original bill by my friend from Michigan required that 10 percent of the time spent lobbying made one a lobbyist for purposes of the legislation. The alternative that I had earlier offered said that you must spend 25 percent of your time in order to meet that threshold. The compromise that we have reached is 20 percent. I think it is a reasonable compromise, and allows us to sign off in the definition of lobbyist section. And the rationale is clear, that to qualify as a lobbyist, the individual is to have to spend more than just a casual amount of time lobbying.

Second, in the area of thresholds which would trigger registration requirements, the original Levin bill said that \$2,500 in income received by a lobbying firm or \$5,000 spent by an organization which lobbies—\$2,500 for a firm; \$5,000 for an organization—would trigger the requirements. What the Senator from Michigan and I have agreed to is that, with regard to lobbying firms, \$5,000 would trigger coverage; and with regard to organizations, \$20,000 in expenditures by an organization which lobbies.

Here again, the rationale is that those who do not have a regular, ongoing presence in Washington should not be required to register. My hope here, which my friend from Michigan has agreed to in this compromise, is to not bring under the bill those folks back home who may come up here occasionally but who are not in any real sense lobbyists.

Third, in the grassroots area, the issue that bogged us down last fall in passing this legislation last year, the original bill of my friend from Michigan contained a reference to grassroots activity. The compromise deletes all references to grassroots activity and no longer makes any suggestion that any grassroots testimony would trigger registration. This bill will not require any reporting or disclosure whatsoever of grassroots activity.

Obviously, the goal here that the Senator from Michigan and I have is not to discourage genuine grassroots activism out in America to convey to us the opinions of those groups on any legislation that we may be considering.

Fourth, in the area of administration and enforcement, Senator LEVIN's original bill created a new Federal agency with the responsibility of enforcement. This bill now will create no new Government agency. The Secretary of the Senate and the Clerk of

the House would receive reporting and disclosure forms. I think clearly that is a step in the right direction. I want to thank my friend from Michigan for that compromise. We do not believe creating additional Government agencies is a good idea, particularly in this atmosphere of \$5 trillion in cumulative Federal debt.

Finally, with regard to coverage of the executive branch lobbying, the compromise of the Senator from Michigan and myself will cover those contacts within the executive branch but only contacts made by political appointees; that is, schedule C's and above; Presidential appointees which require confirmation by the Senate and schedule C's.

So we have had a very good effort here to reach this agreement. I want to thank my friend from Michigan for his willingness to come together here in a proposal that I think, clearly, Senators on both sides of the aisle ought to feel comfortable in supporting. And it is my hope that at some point, preferably early this evening, we might be able to get a vote on this.

I see my friend from Michigan on his feet. I will be glad to yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while both the Senator from Maine and the Senator from Kentucky are here, let me first say that the changes that we are going to be sending to the desk are important ones but not as significant as the changes in the original Levin-Cohen bill which we have before us. I am going to try to see if I cannot state what the differences are so that there is no confusion when people come to vote.

For instance, in the bill before us, the so-called Levin-Cohen, et cetera, bill, there is no new agency created. That point which Senator McCONNELL just made reference to was already addressed in the underlying bill. So there is no change in that regard in terms of the amendment which I will be sending to the desk, which will be called the Levin-McConnell amendment. There was no new agency created in Levin-Cohen. There is no change in that in terms of the so-called Levin-McConnell amendment.

One of the areas of contention here is whether or not the executive branch should be covered. It was the determination of Senator COHEN and me and others that lobbying activities include the executive branch. We have had hearings in our subcommittee relative to the executive branch. We had hearings into Wedtech, for instance, where the executive branch was lobbied heavily by outsiders and contracts were obtained for a company that never should have gotten contracts and which cost the Treasury millions of dollars. That lobbying activity was never disclosed because executive branch lobbying was not covered by the existing law.

Executive branch lobbying is covered in the Levin-Cohen bill. It is going to

continue to be covered if the so-called Levin-McConnell amendment to Levin-Cohen is adopted. But what will not be covered, however, will be lobbying activities of employees of the executive branch below the political appointee level. We are not going to get to lower level employee lobbying. We are going to focus on where the lobbying really has an impact, which is at the higher levels of the executive branch, including the schedule C's.

So the key issue, however, is that the principle that we are going to include executive branch lobbying for the first time has been preserved. That principle was embedded in the underlying Levin-Cohen bill. It is retained even if we adopt the so-called Levin-McConnell amendment to Levin-Cohen, but we will just be excluding lobbying activities with certain lower level executive branch employees.

Next, we tried to make clear in Levin-Cohen that there was no intent to cover the lobbying activities of people at the grassroots. The only reference to grassroots in Levin-Cohen was where a registered lobbyist hired somebody else to stimulate grassroots activity. But then those expenses would have to be included in the expenses that would be disclosed by the person who is already required to register. That was the sole reference.

There was objection to even that. It did not tell us much, in any event, because it was not identified as being a separate expenditure to stimulate grassroots lobbying. And we decided to avoid any suggestion, even though there was none, to make sure that none could even be made that there is any coverage of grassroots lobbying. We have removed that provision that would have told us very, very little, in any event, since it would not identify that the expenditure was to stimulate grassroots lobbying, but simply would have included that amount in the total expenditure of somebody who is already required to register.

But again, I think we wanted to make sure that nobody could argue, rightly or wrongly, that we were covering grassroots lobbying. So we have agreed to delete even the inclusion of that expenditure that someone who is already required to register would have had to have included in their disclosure form. So that is a minor change. But it is one that we gladly accepted.

As far as the threshold is concerned, we have retained the threshold for firms that lobby, and at \$5,000. That threshold that is in Levin-Cohen is retained at \$5,000. The change that has been made is for the small organizations that lobby themselves, not by hiring a firm but that lobby themselves. In Levin-Cohen, the threshold for that was \$10,000. In the McConnell substitute, the threshold was \$50,000. And the agreement that we have reached is to go from \$10,000 to \$20,000 for those organizations that lobby themselves. So just for clarification, Levin-Cohen said the threshold was

\$10,000. McConnell was \$50,000, and we have gone to \$20,000.

I think that the Senator from Kentucky has covered a number of the other questions. I will not add to that except that I think he has covered this. But in case he has not, we are simplifying disclosure requirements by eliminating the requirement to disclose the specific committees that are contacted, and we are clarifying the requirement to disclose lobbying on specific executive branch actions. We also are making clear that the Clerk of the House and the Secretary of the Senate will handle all administrative tasks, including providing guidance for the public. I think it was our intention that the Clerk of the House and Secretary of the Senate do that. But there apparently was some ambiguity about it. And the Senator from Kentucky and I have agreed that we would make that very clear explicitly in this amendment that we will be sending shortly to the desk to the underlying Levin-Cohen bill.

So I want to thank again my friends from Maine and Kentucky for working on the underlying bill and working for the amendment to that underlying bill. I think we have a very strong lobbying disclosure bill that closes the loophole—no more lawyers' loopholes—which allowed lawyers to be exempted from lobbying disclosure requirements. No more loopholes for those who did not spend all of their time lobbying Members of Congress since just about nobody spends all their time personally lobbying Members personally. They spend a lot of time with staff and a lot of time in preparation.

We have eliminated every loophole we could get our hands on, and it is a strong lobbying bill that has also streamlined and simplified this process. I hope we can keep this bill in its strong form and that it will not be diluted in any way, because, finally, we will be doing what 50 years ago Congress thought they were doing, which is to require that professional lobbyists, persons who were paid to lobby, disclose to the public who is paying them, how much, on what issue. And the important add on to that original intent is that now we are going to cover the executive branch. And that is a critically important addition because so much lobbying activity in this town is both aimed at the executive branch and aimed at Congress urging Members of Congress to weigh in with the executive branch.

One of the difficulties with the original McConnell substitute is that it had language in it which suggested that it was not covering lobbying activities which were aimed at getting us in the Congress to lobby Members for the executive branch.

The underlying Levin-Cohen bill and the Levin-McConnell substitute to Levin-Cohen are absolutely clear that lobbying activities of both the executive branch and of Congress to get us to weigh in with the executive branch are covered lobbying activities.

Again, let me close with thanks to my colleagues on both sides of the aisle. We have had tremendous support here from Senator DASCHLE, and Senator GLENN, as ranking member of Governmental Affairs, has been absolutely steadfast in his support for these reforms, as have so many other of my colleagues on Governmental Affairs. But I particularly want to take off my hat to Senator COHEN who, whether he was the ranking member of the subcommittee we are on or the chairman of that subcommittee, has been constant in his determination that we are going to finally close the loopholes and get paid lobbyists to tell us and tell the public who is paying them how much to lobby Congress and the executive branch and on what issues.

With that, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, let me take just a moment to thank my colleague from Michigan and also my colleague from Kentucky. I think the substitute language they have agreed to will make an improvement on the underlying amendment we offered to the legislation earlier today. For simplicity's sake, we might call it the Levin-McCohen bill. That would perhaps clarify the fact that Levin-McConnell is amending the Levin-Cohen amendment and perhaps eliminate some of the confusion surrounding that.

The changes which have been agreed upon I think do improve the amendment in the sense that it makes it clearer; that it also will achieve what I believe to be an overwhelmingly bipartisan vote for the measure. It has been a long time in the making.

I take this opportunity to thank Senator LEVIN for his steadfastness in pursuing lobby disclosure reform over the years we have worked together.

I yield the floor.

Mr. McCONNELL. Mr. President, just for the information of our colleagues, there is now a great likelihood we will be able to have a vote at 6 on the Levin-McConnell compromise, and even though I do not have the unanimous-consent agreement in front of me to read yet, there is an excellent chance we will have a recorded vote very shortly.

Mr. LOTT. Will the Senator yield—

Mr. McCONNELL. I yield the floor.

Mr. LOTT. Just so that I might comment?

I know there are a number of issues pending out there, a lot of discussion is still underway on the McCain amendment with regard to Ramspeck. I understand they are very close to some agreement on that, so we hope maybe we can dispense with that on a voice vote.

We are continuing to work on both sides on the language in the Brown amendments and hopefully something will be worked out on two of those.

We would like to have a vote—I believe we already have the yeas and nays ordered—on the Craig substitute to the Simpson amendment. So I believe we could have a vote on that at 6 o'clock. And then the agreement on Levin-McConnell. So we would be able to move forward with a recorded vote on two at 6 o'clock, and I believe we can work out several of these other issues on a voice vote. If we find out later we cannot, we can always have a recorded vote on those if negotiations do not work out. So I believe we would be ready to ask for unanimous consent shortly with the idea of getting a vote at 6.

Mr. LEVIN. If the Senator will yield on that question.

Mr. LOTT. I will be happy to yield.

Mr. LEVIN. Mr. President, as I understand it, the yeas and nays have been ordered on the underlying Simpson amendment.

Mr. LOTT. I believe that is the amendment offered by the Senator from Idaho [Mr. CRAIG].

Mr. LEVIN. My understanding was it was on the Simpson amendment, but that does not make any difference. I do not know that the yeas and nays are needed on the second-degree amendment. I think they may be needed, however, on the underlying amendment.

Mr. LOTT. Right. That is what we would hope to get in our unanimous-consent agreement.

Mr. LEVIN. Then I hope this amendment, the Levin-McConnell amendment, the rollover on that, if necessary, will come immediately following. Is that the intention of the Senator from Mississippi?

Mr. LOTT. I believe that would be appropriate. We could do it either way. But I think in view of the fact—

Mr. LEVIN. May I suggest that the vote on the Levin-McConnell amendment come first, to give people a little more opportunity to focus on what is in the underlying Simpson amendment, and I think we are ready to have a vote on the Levin-McConnell amendment, which, by the way, has not been sent to the desk.

If the Senator will yield further, I wonder if he would permit me now to send the so-called Levin-McConnell amendment to the desk.

Mr. LOTT. Mr. President, I would yield for that purpose so that the Levin-McConnell amendment can be sent to the desk. Just very briefly, I want to emphasize that this once again is evidence of the substantial progress that has been made by the distinguished Senator from Michigan and the distinguished Senator from Kentucky. A lot of details have been worked out. I hope the Members will have an opportunity to take a look at this agreement. I believe it is the basis for concluding this lobby reform legislation very shortly.

AMENDMENT NO. 1843 TO AMENDMENT NO. 1836

The PRESIDING OFFICER. Without objection, the pending amendments are

set aside. The clerk will report the amendment submitted by the Senator from Michigan.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCONNELL, proposes an amendment numbered 1843 to amendment No. 1836.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike the text of the amendment and insert the following in lieu thereof:

On page 3, line 20, strike paragraph (E) and redesignate the following paragraphs accordingly.

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph.

On page 7, line 10, strike line 10 through 21 and insert in lieu thereof "cense"; or"

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "\$2,500" and insert "\$5,000".

On page 17, line 2, strike "\$5,000" and insert "\$20,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "\$5,000" and insert "\$10,000".

On page 18, line 14, strike paragraph (B) and insert in lieu thereof the following:

"(B) in whole or in major part plans, supervises, or controls such lobbying activities."

On page 18, line 19, strike "\$5,000" and insert "\$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 5, strike paragraph (2).

On page 22, line 5, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 22, line 18, strike "regulatory actions" and all that follows through the end of line 20 and insert in lieu thereof "executive branch actions".

On page 22, line 21, strike "and commitments".

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

"(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 24, line 23, strike subsection (d).

On page 25, line 24, strike subsection (e).

On page 31, strike line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

#### "SEC. 7. DISCLOSURE AND ENFORCEMENT.

"The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

"(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

#### "SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18 and renumber accordingly.

On page 55, line 23, strike Section 20 and renumber accordingly.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

**"SEC. 22. EFFECTIVE DATES.**

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**UNANIMOUS-CONSENT AGREEMENT**

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator LEVIN be recognized to offer an amendment to the Levin-Cohen amendment No. 1836, and a vote occur on the amendment at 6 p.m. this evening; and that no amendments be in order to the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I further ask unanimous consent that immediately following the vote on the Levin-McConnell amendment, the Senate proceed to the adoption of the Levin-Cohen amendment, as amended, if amended, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**AMENDMENT NO. 1842, AS FURTHER MODIFIED**

Mr. CRAIG. Mr. President, I call up amendment No. 1842 for further modification of the second-degree amendment.

The PRESIDING OFFICER. That will be the pending business.

Mr. CRAIG. I send the modification to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Mr. CRAIG. I thank the President.

Mr. LEVIN addressed the Chair.

Mr. LEVIN. Mr. President, may I suggest the clerk read the amendment now as it is modified again. It is a short amendment and it does make a difference, and if there is a change in it, everybody should hear what that change is. This is an additional modification. I ask that the clerk read this amendment. This is an amendment to the Craig substitute, as I understand.

Mr. CRAIG. If the Senator from Michigan will yield, I changed and added the word "activities" to "lobbying." I think the Senator has made an important point, and I wish the full amendment, as modified, to be read into the RECORD.

The PRESIDING OFFICER. The clerk will read the amendment, as modified.

The assistant legislative clerk read as follows:

Strike all after the word "Sec.", and insert the following:

**. EXEMPT ORGANIZATIONS.**

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. CRAIG. I thank the Senator from Michigan for making that clarifying point. Recognizing that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 1843 to amendment No. 1836.

Mr. BROWN. Mr. President, I ask unanimous consent that we temporarily set aside the pending business to go to Brown No. 3 amendment, No. 1841.

The PRESIDING OFFICER. Without objection, it is so ordered.

**AMENDMENT NO. 1841**

Mr. BROWN. Mr. President, this is the amendment that deals with qualified blind trust and provides for reporting of the total cash value of that if, indeed, the trust provides that the beneficiary of the trust is notified under the terms of the trust. My understanding is both sides have reviewed this and do not have objection to it.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am unaware of any objection to the

Brown amendment just outlined on this side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I know of no objections to this amendment on this side. To be clear, this is the so-called Brown amendment No. 3 earlier in the afternoon.

Mr. BROWN. It is.

The PRESIDING OFFICER. Is there further debate on amendment No. 1841? If not, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the Levin McConnell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Levin McConnell amendment No. 1843 be considered a substitute for amendment No. 1836.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, this is a technical change. We see no problem with it. There is no objection on this side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

**VOTE ON AMENDMENT NO. 1843**

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1843, of the Senator from Michigan.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 324 Leg.]

**YEAS—98**

Abraham	Conrad	Grams
Akaka	Coverdell	Grassley
Ashcroft	Craig	Gregg
Baucus	D'Amato	Harkin
Biden	Daschle	Hatch
Bingaman	DeWine	Hatfield
Bond	Dodd	Heflin
Boxer	Dole	Helms
Bradley	Domenici	Hollings
Breaux	Dorgan	Hutchison
Brown	Exon	Inhofe
Bryan	Faircloth	Inouye
Bumpers	Feingold	Jeffords
Burns	Feinstein	Johnston
Byrd	Ford	Kassebaum
Campbell	Frist	Kempthorne
Chafee	Glenn	Kennedy
Coats	Gorton	Kerrey
Cochran	Graham	Kerry
Cohen	Gramm	Kohl

Kyl	Murray	Shelby
Lautenberg	Nickles	Simon
Leahy	Nunn	Simpson
Levin	Packwood	Smith
Lieberman	Pell	Snowe
Lott	Pressler	Specter
Mack	Pryor	Stevens
McCain	Reid	Thomas
McConnell	Robb	Thompson
Mikulski	Rockefeller	Thurmond
Moseley-Braun	Roth	Warner
Moynihan	Santorum	Wellstone
Murkowski	Sarbanes	

## NOT VOTING—2

Bennett                      Lugar

So the amendment (No. 1843) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the Levin-McConnell amendment, No. 1843, was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Arizona is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senator will withhold for a moment.

Regular order requires us to vote on the underlying amendment.

## VOTE ON AMENDMENT NO. 1836, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1836, as amended.

The amendment (No. 1836), as amended, was agreed to.

## AMENDMENT NO. 1837

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I call for regular order with regard to the McCain amendment No. 1837.

The PRESIDING OFFICER. The Senator has a right to call for regular order and that is now the pending question.

Mr. LEAHY. Mr. President, the Senate is still not in order.

The PRESIDING OFFICER. The Senate will please come to order. Senators will cease conversation.

The Senator from Arizona.

## AMENDMENT NO. 1837, AS MODIFIED

Mr. MCCAIN. Mr. President, I have a modification at the desk. I ask unanimous consent the amendment be modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1837), as modified, is as follows:

At the appropriate place, insert the following:

## SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

Add the following new section:

## SEC. 2. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

“(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102).” In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit-based appointments.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and  
(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this has been agreed to by Chairman ROTH and the Governmental Affairs Committee, and with the consent of Senator STEVENS, including language Senator STEVENS added when he reported the legislation out of the Civil Service Subcommittee in May regarding OPM and judicial regulations, to consider the experience of individuals who served in the legislative branch as well as private sector; preference will not be given in these regulations.

I thank Senator ROTH and Senator STEVENS for their assistance on this amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further amendment or further discussion on amendment No. 1837, as modified?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not like to ask this question. I realize we are in the Dracula stage of legislation. The Dracula rule appears, over the last several months, where we do not vote during daylight hours but only in the evening. Otherwise, we might be wasting our time with our families, our wives, our husbands, our children, whatever else.

As one who would like to spend some time with his family, I wonder if the leader might be able to give us some idea whether this will be one of those 2 or 3 evenings a month that we are allowed time with our families. I realize the commitment of everybody here to family values. I just ask that question.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, a great deal of progress has been made today.

That last vote was an indication of how much progress has been made in working out an agreement on this legislation.

There is now an agreement on the McCain amendment. There are other amendments being discussed that we could hopefully reach agreement on. There are some that still may require some recorded votes tonight. The leader has indicated he would like for us to push on and see if we can work out as many amendments as possible and get votes on others and get to final passage on lobby reform tonight.

The reason for that is we do still have to take up, under the unanimous-consent agreement, gift reform later on tonight or tomorrow, without votes on gift reform tonight. We do have the Bosnia resolution pending for consideration tomorrow afternoon, and many other bills that we need to complete before we get to our August recess period.

But the answer to the question of the Senator from Vermont is, we do want to go forward. We think we can complete this legislation at a reasonable hour tonight.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Mississippi has said. I do compliment the Senator from Kentucky and the Senator from Michigan. I know from various phone calls that went back and forth they have done yeomen's service here today in reaching this area of agreement. Obviously, had they not, we could be here much, much longer than we have.

The question I have again, for some of us who have families, is there going to be either a window or shall we tell them to all go to bed and get up at 1 tomorrow morning to see us? I do not mean to question facetiously, but we are falling into this trend of almost Dracula voting—we only vote when the Sun goes down. But some of us do have families and would like to see them.

I ask the question in all seriousness, will there be a window? Will there be time? Shall we make any plans to see our families?

Mr. LOTT. To respond further, it is very difficult to say right now that could be done because we have three or four negotiations going on simultaneously. We may get those worked out shortly, and then there would not be a necessity for votes again in the next hour. But right now, we could not indicate that there will be a window. We want to try to complete this before it is late tonight. That would be the best way so that we all could go home at 8 or 8:30.

Mr. LEAHY. Is there a possibility of setting the votes in the morning?

Mr. LOTT. There is. We would have to check to see where the negotiations are. There is a possibility we could have stacked votes later on tonight, or perhaps even in the morning. Right now the leader wants us to push this forward so we can get an agreement. I believe we can accomplish that.

I yield the floor.

Mr. DOMENICI. Mr. President, will the Senator not leave for a moment? I wonder. Whoever is putting this together, have you considered a sliding scale, sort of a means testing on the gifts?

The PRESIDING OFFICER. If the Senator will withhold, the Senate will be in order.

The Senator from New Mexico.

Mr. DOMENICI. I want to repeat my question. I am sure the distinguished Senator from Mississippi took it far too seriously. Let me repeat it again with a big smile.

Some of us are wondering whether you have considered a sliding scale on the gifts, a means testing for some of us who are in different conditions of finances than others. There are some who are in such great finances that they ought to be willing to have no gifts of any type under any circumstances. Have you ever considered a means testing for gifts?

Mr. LOTT. If I might respond, Mr. President, the gift rule issue will not come up until later on tonight with votes not occurring on that today but tomorrow. Speaking for myself, I think that is a great idea.

[Laughter.]

Mr. DOMENICI. I am going to bring that to a vote.

Thank you very much.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. Is there further debate on amendment 1837, as modified? If there is no further debate on the amendment No. 1837, the question is on agreeing to the amendment.

The amendment (No. 1837), as modified, was agreed to.

Mr. MCCONNELL. Mr. President, may we have order? The Senate is still not in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order. Those participating in conversations will please retire to the cloakrooms. The Senate is not in order.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, as the majority whip indicated, we believe we are down to a relatively few amendments. There is an excellent chance of finishing the bill tonight.

Mr. President, I see my friend from Michigan seeking recognition. So I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

VOTE VITIATED ON AMENDMENT NO. 1841

Mr. LEVIN. Mr. President, after consulting with the Presiding Officer, whose amendment I am referring to, I would ask unanimous consent to vitiate the vote on the so-called Brown No. 3 amendment, which was voice voted in the last 20 minutes. There was a problem with it that this Senator was not aware of. I indicated that I had no objection. In fact, there was some objection.

I ask unanimous consent that we vitiate the vote approving Brown 3 with the right of the Senator from Colorado, of course, to offer that amendment at any time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer.

Mr. LOTT. Mr. President, can I inquire as to whether or not we reached the point where maybe we could get an agreement to dispose of the Craig-Simpson modified amendment by voice vote? I understood maybe that was now possible. That would rid us of the necessity for another recorded vote. I am told that perhaps the other side is willing to agree to that now. I do have a unanimous consent request, if that is possible.

Mr. LEVIN. I do not know of a request for a rollcall vote on the Simpson amendment on this side. However, I would like all Members to understand that this is a very significant amendment which is going to affect 501(c)(4) organizations and would state that a 501(c)(4) organization, which includes Blue Cross, AARP, Disabled American Veterans, International Olympic Committee, and a whole host of other organizations that currently are allowed, although they have a tax exemption, to lobby, that under the Simpson-Craig amendment, they no longer would be allowed to receive a grant or an award from the Federal Government at the same time that they are allowed to lobby.

I think this creates a whole host of new issues. I am not on the Finance Committee. Unless someone from the Finance Committee wishes to get into this in some detail, I do not know of any indication on this side for a rollcall vote.

Mr. DODD. If the Senator will yield, frankly, this is one Senator who may want a vote. I am uneasy, I say, Mr. President. This raises a question, I say to my colleague. I am very uneasy about this list. I am not sure it is a complete list of 501(c)(4)'s. Some of them may very well be deserving of grants. I do not have any difficulty being lobbied by some of these organizations. It sounds to me like you have a few here that are being targeted for some specific purpose.

I think we ought to think more carefully before we take a rather significant step in deciding that a whole group of very legitimate organizations, that may very well qualify for grants of one kind or another, all of a sudden are being precluded from either doing that or lobbying Members of the U.S. Senate.

I, for one, would prefer to have a rollcall vote on this and have a voice vote, and I do not know frankly what the implications are.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I can draw the attention of my colleagues

back to the issue here, we had the debate which was not participated in by everyone. And I understand that. I have been here for several years.

Let me tell you what this is. This is not an attempt to get anybody. The amendment is very clear. I am going to read it.

Here is the amendment with regard to 501(c)(4) corporations. There are a lot of them. This does not have anything to do with 501(c)(3) corporations, charitable corporations, the kind we think of most often. It has nothing to do with universities. It has nothing to do with 501(c)(5) corporations or 501(c)(6) corporations.

Remember, a 501(c)(4) corporation is tax-exempt and has unlimited ability to lobby with unlimited sums of money. They can lobby with \$20 or \$30 million, if they wish. There is no limitation whatsoever on lobbying activities. That is a 501(c)(4).

The 501(c)(3)'s are limited to a certain amount, a million bucks. You cannot go over that—501(c)(5)'s and (c)(6)'s have limitations. Here is what the amendment says:

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Meaning that if a 501(c)(4) decided that they wanted to continue to lobby and were receiving Federal funds, they could no longer continue to lobby. However, if they wished to continue to receive Federal funds, then they would limit their lobbying activities. They can also go into splits, if they wish to split a 501(c)(4) organization. At least that would be an improvement over present law, which simply says that these groups can lobby. And if you are doing something with lobbying reform, it would seem to me you would want to do something with the one tax-exempt organization that can lobby with unlimited funding and still receive grants from the Federal Government to do so.

Mr. DODD. I apologize for not being here earlier today. Like most Members, I was not here in town for the debate.

I am looking down the list here of some of these numbers. I am told—correct me if I am wrong—there are 140,000 501(c)(4) organizations in the United States.

Now, I am looking at a list of 20 or 30 here. Obviously, it may be a list put together to cause someone like me to raise the issue, but I look at the Fireman's Association, State of New York, Group Health Association—a lot of groups that may very well qualify for grants, and I certainly, as a Member, do not have any objection if they want to come and lobby me in the office for some particular purpose. I do not know why we are singling out that particular group in this particular environment.

Now, to me, to disqualify 140,000 organizations in the United States seems to go a little too far.



Mr. SIMPSON. Mr. President, we are not disqualifying 140,000 organizations of the United States. We are disqualifying those that receive funding from the Federal Government, and very few of these do. Some receive minuscule amounts, most receive none. Here is the Mutual of America Life Insurance Co. with assets of \$5.5 billion. I doubt that they receive anything from the Federal Government for lobbying activities.

Mr. DODD. I ask my colleague, what is the point of the amendment then? If none of them is getting grants, why do we need an amendment?

Mr. SIMPSON. The point of the amendment is there are many tax-exempt 501(c)(4) corporations that receive grants, awards, contracts, or loans, or any other form from the Federal Government and use it to lobby the Federal Government for more Federal money for themselves.

Mr. LEVIN. Will the Senator yield on that point? I do not know who has the floor.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. LEVIN. Will the Senator from Wyoming yield on that point?

Mr. SIMPSON. Certainly.

Mr. LEVIN. The Senator just said that they could use the grant for lobbying purposes. I think that he misspoke when he said that because there is a law which prohibits the use of appropriated funds for lobbying activities.

What the amendment does is something different, because we already have a ban on using appropriated funds for lobbying.

What the amendment says is that if an organization gets funds from some other source, if a 501(c)(4) gets funds from some other source and uses those other funds to lobby, it may not then get a grant or an award from the Federal Government to do some social function that is within the scope of the grant.

I do not think the Senator from Wyoming is suggesting—at least I hope he is not—that currently a 501(c)(4) can get a grant or an award from the Federal Government and use that money to pay for lobbying.

Mr. SIMPSON. Mr. President, under the present law of the United States, when we are talking about a tax-exempt corporation, we are seeing happening in the country—this is something we have had one hearing on; there will be many more—where the Government is subsidizing the programs and activities of huge lobbying organizations that are engaged in things on the direct edge of UBIT, which is the unrelated business income Tax, that are involved in profitmaking activities and that receive a tax-exempt status.

What we are saying is those organizations which lobby without limit—and this is the only one in the whole panoply that lobbies without limit, without any kind of limitation on the

amount of money they can spend. So if you are going to do a lobbying reform bill, it would seem to me that you would want to deal with the one subsection (c) corporation that can spend itself into oblivion and even use Federal money in the process of receiving grants, awards, notes, whatever it may be, bonuses, contracts, and we are saying you make a choice here. If you are going to lobby, then you are not going to receive Federal grants. If you want to receive Federal grants, you do not lobby. Take your pick.

Mr. DODD. If my colleague will yield further, I appreciate his point.

Mr. SIMPSON. I will yield to the Senator from Idaho.

Mr. CRAIG. All money is fungible, and if there is not a clear, tight bookkeeping system, as there is in a 501(c)(3), which the IRS says very clearly how much of its assets or what percentage of it it can spend in lobbying up to a universal cap of \$1 million, then we went over and created a 501(c)(4) which said you can be tax-exempt and you can have unlimited advocacy.

What we have seen over the years is not only do they have unlimited advocacy, and, yes, there is a rather open bookkeeping system and, yes, there is a prohibition against using Federal dollars, tax dollars for the purpose of lobbying, all of the money moves inside the organization and it is extremely fungible.

We are saying, if you want to retain your 501(c)(4) for lobbying, you can and you should and you are tax-exempt. But if you want to do the grant business, go create something else for that purpose so there is a clear line so the taxpayers of this country can know and know very well that there is not the fungibility that is going on here, not in the hundreds of thousands of those organizations but in a substantial number that have taken advantage of a tax-exempt status. I do not think the Senator and I, in granting that tax-exempt status, want to allow them to take advantage.

Now, we do not want to deny them the opportunity to serve their public and their membership, and they can do that by shifting their status for certain purposes.

Mr. DODD. I thank my colleague. If my colleague will yield further, I will seek time or whatever.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I might inquire of a couple things. One, I am told there are some 140,000 of these organizations. I do not know. And maybe there have been hearings on this by the Finance Committee. This is a pretty significant step we are taking. Could I inquire of my colleague from Wyoming whether or not there have been any hearings on what the implications of this are? I presume it is a Finance Committee matter since it is a 501(c)(4). And what are the tax implications of it? I do not know if that has been done.

Mr. SIMPSON. Mr. President, we did have a hearing in the Finance Committee on these issues of tax exemptions, and we will have many more. We did, indeed. The "little guys" that people have been talking about protecting, grassroots and so on, they are going to be well protected because they are, most of them, 501(c)(3).

We are talking about a singular group of maybe 140,000—that is exactly correct—and we are talking about big time, big time lobbying. One group spends \$26 million a year on unlimited lobbying and receives grants from the Federal Government. We are saying if you do that, then you are no longer going to receive the grants. You can lobby to oblivion; you can continue to do whatever you wish to do. Or if you wish not to receive grants or receive grants, you take your choice. Or you can split into two 501(c)(4)'s, one lobbying with all sorts of money and dues, it is perfectly appropriate, without limit; or, if you are going to receive Federal funds, you do not lobby. You take your pick.

Mr. DODD. I thank my colleague for his response, Mr. President.

I just say again, I do not hold myself as any expert in this area, but it seems to me we are taking, in my view, I do say with all due respect to my good friend, a rather draconian step; with 140,000 organizations in this country, admittedly, by one of the authors of the amendment, out of the 140,000 we are talking a handful that really stick in the craw of my colleague from Wyoming.

In doing so, my own view is I do not know why we ought to take 139,900 and ask them to pay an awful price here because of what 100 organizations may be doing that is offensive. My view is we are changing a pretty significant piece of tax law when it comes to these organizations. And to step forward and single out 140,000 organizations, most of which are pretty small operators here that have set up under those guidelines, I think goes too far.

Now, clearly, there may be some here that, because of their income status or whatever, maybe we ought to come back with another amendment that deals with some of those in some specific way. But to pick on groups here that literally are tiny—the Henry Ford Health Care Corp., the Higher Education Foundation, they are on the list of organizations here that do not seem to me to be any great threat to anyone.

So, Mr. President, with great respect to the authors of the amendment, I think this just goes too far. I think we are stepping way over a line here. If we are going to change entirely the nature of 501(c)(4) corporations, I think we ought to have some specific hearings, there ought to be specific legislation that comes up and not have an amendment offered on the floor that wipes out 140,000 organizations from what has been up to this very moment a legitimate tax status.



I say to my colleague from Idaho, money is fungible, but the fact of the matter is the law is the law. And you are not allowed to use taxpayer money for lobbying purposes. That is the law. If someone does, they are in violation of the law and there are penalties associated with that.

But to suggest because there is some grant money there that somehow all of that leaches into the rest of this money and ends up being used for lobbying purposes I think, frankly, is to suggest that somehow people are out there violating the law right and left, and I do not see it.

Come back if you want to on this one, but I do not know why you want to take 140,000 organizations and relegate them to a very unique status—all of them in this country—because of the complaints of a few.

Mr. CRAIG. Will the Senator yield?

Mr. DODD. I will be glad to yield.

The PRESIDING OFFICER. The Senator from Connecticut has yielded for a question.

Mr. DODD. Certainly.

Mr. CRAIG. I think it is important to cite here that we are not amending the Tax Code. We are using the Tax Code to identify the group in lobbying, and that clarification is how I read what we are doing. I think it is also fair to say that any 501(c)(4) that chooses not to get a grant and feed at the Federal trough is exempt.

Mr. DODD. May I ask my colleague, for instance, why are we not including 501(c)(6)? Those are trade associations. They are tax exempt. They get Federal contracts and grants and they lobby.

Mr. CRAIG. Because there is an entirely different qualifying mechanism under the IRS Code for them, and they are watched very closely and their audits are held very tightly.

Mr. DODD. Will my colleague not agree they meet all the standards the Senator applies to this amendment?

Mr. CRAIG. Absolutely.

Mr. DODD. They are trade associations. They get grants and they lobby. Why is there any reason to suspect they are going to be any different in terms of their tax dollars—

Mr. CRAIG. The term is unlimited versus the percentages of total revenue base. The IRS Code already established that. 501(c)(4) is an unlimited category.

Mr. LEVIN. Will the Senator from Connecticut yield for a question?

Mr. DODD. I yield to my colleague from Michigan.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has yielded to the Senator from Michigan for a question.

Mr. LEVIN. It seems to me the Senator from Connecticut is pointing out something which is very significant, which is that the proponents of the amendment are basically using the amendment which will ban a 501(c)(4) organization from doing something it currently does, which is to both lobby

with its own funds and to receive a grant for a public purpose somewhere else.

The purpose of this amendment, as I understand it, is an accounting purpose. The argument is made that money is fungible and, therefore, we have to make sure they do not use public funds for lobbying purposes and that we need an accounting mechanism in order to be sure that that is not done.

In 18 United States Code section 1913, it already says that:

No part of the money appropriated by Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose by vote or otherwise any legislation or appropriation by Congress whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.

So we already have a ban on the use of public funds for lobbying. It seems to me what this comes down to then is to say we are going to change the rules currently lived by 140,000 organizations in order to make sure that the few organizations, relatively, that lobby keep good books.

Mr. DODD. I say to my colleague—

Mr. LEVIN. I am wondering whether the Senator from Connecticut will agree.

Mr. DODD. I agree. It sounds like the "Lawyers and Accountants Relief Act." You hire accountants and lawyers and create two organizations and you have met the standard. I suppose you can get around the law that way. I am not sure that is what we want to be doing necessarily, except that a lot of smaller organizations that do not have the resources are going to have to go out and hire people to do it.

For the life of me, I do not understand the value, particularly when the law is clear when you use those resources.

Mr. LEVIN. My question to the Senator is this: Will the Senator agree that an amendment might be in order that might require 501(c)(4)'s to maintain clear books as to how they use Federal funds for Federal purposes and do not use those funds for lobbying purposes? Will the Senator agree that that kind of an amendment might be appropriate in order to address the fungibility issue of the Senator from Idaho?

Mr. DODD. I say to my colleague from Michigan, that would at least—I understand the heart of the argument in a sense, that the fungibility question is one that people are worried about. I suggest if we are going to do it, we might apply it to the 501(c)(6) organizations as well. That at least addresses a potential problem, although to me that may be solved by means other than through the amendment process.

Nonetheless, that would at least make some sense to me. But to wipe

out 140,000 organizations—as I say, I do not hold myself out—I just happened to walk on the floor and heard this amendment was coming up, and it seemed to go too far. I do not have a particular brief; no one talked about it. I looked at the list and said, "Why are we taking 140,000 organizations in this country that are 501(c)(4) organizations and all of a sudden applying a standard that I think goes beyond the pale?" That is all I feel about it. I do not have a particular brief for it. It just seems to go too far for me.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I say to my friend from Connecticut, after 16 years of legislating on the floor, I remember one incident distinctly. We went for 5 days of debate—I was managing the bill—and suddenly in the door came one of our colleagues. He happened to be on our side of the aisle and had paid no particular interest in the measure, and suddenly just went for it tooth and fang. I thought, well, that is interesting.

Mr. DODD. Did he win or lose?

Mr. SIMPSON. Oh, he lost.

Mr. DODD. I had a feeling that was the answer.

[Laughter.]

Mr. SIMPSON. Directing my remarks to the Chair, of course, rather than my colleague from Connecticut, let me just say we are not wiping out anybody. We are not in the business of wiping out 501(c)(4)'s, and if you want to go to 501(c)(6)'s and (c)(5)'s, I am ready to go there, too. But I did not want to bite off too big a chunk because I did not want to get into it with the chamber of commerce and the AFL-CIO.

Mr. DODD. The AFL-CIO is a 501(c)(4).

Mr. SIMPSON. No, they are not.

Mr. DODD. I am told they are—

Mr. SIMPSON. They are a (c)(5); the AFL-CIO is a (c)(5).

Mr. DODD. Right; (c)(5).

Mr. SIMPSON. So is the U.S. Chamber of Commerce.

Mr. DODD. I apologize to my colleague.

Mr. SIMPSON. What we are saying is if anyone gets stung here in this process, they can go become a 501(c)(3) if they are really into big-time charity, doing things that you would like to see charities do. They can be a 501(c)(3). That is a charitable corporation; that is \$1 million limiting activity of lobbying. They can give up lobbying or they can go into a separate split-off. They can split into two, a lobbying organization or a grant organization. That is what we are saying.

We are seeing abuses of the system. This is not about tax exemption. This is about lobbying. I thought that is what this is about.

Why in the world should we allow a group to have unlimited ability to spend their members' dues and then use Federal money to offset what they ordinarily would have paid? They

would have had to pay for this somewhere but, no, they get it from the Feds. I think that is wrong if you are doing lobbying reform.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I frequently come to the floor on the spur of the moment like my friend from Connecticut—and we see eye to eye—but I think he is wrong on this one. I think the Senator from Wyoming is right.

Frankly, I did not know this was legal. I could not imagine that you would have a tax-exempt corporation—meaning they do not pay any tax on all the money they take in—going out and lobbying the Federal Government, because that is permissive, and then going out and seeking grants from the Federal Government. I could not imagine a situation with more potential for conflict of interest than putting in a corporation that gets all these benefits and can lobby the Federal Government and then saying, “On the other hand, you can go get all the money you can scratch out of these grants”—and do what with it? Spend it for the same entity, the same corporation.

If I were to have had this before me at the beginning when it was passed, I would have voted against it. I think it is an exciting idea that when you are reforming the lobbying laws of the Nation that you give the corporations a clear opportunity. If you want to lobby, you choose another tax-exempt status.

If you want to choose this one, then do not go to the Federal Government against whom you are lobbying to get money. It seems to me pretty clear that the Senator from Wyoming is on the right track. I hope we will vote soon and get rid of this opportunity that we should never have given to these kinds of nonprofit corporations.

I yield the floor.

Mr. MCCONNELL. Mr. President, let me say that we are down to six amendments, most of which I think are going to be accepted. There is an excellent chance of finishing this bill very soon. I do not want to interrupt the debate going on. But we can get through here pretty quickly if we will have the cooperation of Senators.

I yield the floor.

Mr. LOTT. Mr. President, I know that some Members are waiting to see if we are going to have a vote momentarily, or whether we are going to do this on a voice vote or not. I believe that the yeas and nays have already been ordered on the underlying Simpson amendment.

So I believe we are ready to go to a vote. Does the Senator want to dispose of this on a voice vote?

Mr. DODD. I would like a recorded vote. Has there been a request for a recorded vote?

The PRESIDING OFFICER. The yeas and nays have been ordered on the underlying amendment. There is a sec-

ond-degree amendment that the yeas and nays have not been ordered on.

Mr. DODD. Which is the second-degree amendment?

Mr. LOTT. Let me see if I can clarify a request here.

I ask unanimous consent that the Senate proceed to vote on or in relation to the Craig amendment, as further modified, that no amendments be in order to the Craig amendment No. 1843, and that following the disposition of the Craig amendment, the Senate proceed to the adoption of the Simpson amendment No. 1839, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, let me inquire further of the Senator from Mississippi as to what he expects for a schedule tonight. Some of us would like to know, if we have a recorded vote now, when will we have the next recorded vote?

Mr. LOTT. Mr. President, we are down to half a dozen amendments. We believe we can work out agreements on some of those. Some we believe we can voice vote. We think we are down to maybe a couple more votes tonight, and we would like to go ahead and move toward getting a conclusion on those amendments.

Mr. DORGAN. Mr. President, I would observe that much of the day was spent in quorum calls and now, as we reach the dinner hour, we seem to be more interested in debate.

Mr. LOTT. Let me respond to the Senator, if I could. Let us go ahead and go to this recorded vote, and during that vote we will see if we can get a further clarification on exactly when the final votes would occur. We will work on that and tell the Members after this vote.

Mr. DORGAN. That is fine with me. I hope that the majority will consider rolling votes tomorrow morning. I hope he will consider doing this on a routine basis. If we have a couple more votes, rather than people coming back at 9 or 10 p.m. to cast votes, why not stack them for the first thing in the morning?

Mr. LOTT. We will have to check with the majority leader on that. The important thing is that we need to finish lobby reform, so that we can go to gift reform first thing in the morning. Perhaps we can work something out along the lines of what he is suggesting.

I ask unanimous consent that the yeas and nays be vitiated on the underlying Simpson amendment No. 1839.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I believe we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1842, as further modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 325 Leg.]

#### YEAS—59

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Johnston	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kerry	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feinstein	Mack	

#### NAYS—39

Akaka	Feingold	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Inouye	Pell
Byrd	Jeffords	Pryor
Conrad	Kennedy	Robb
Daschle	Kohl	Rockefeller
Dodd	Lautenberg	Sarbanes
Dorgan	Leahy	Simon
Exon	Levin	Wellstone

#### NOT VOTING—2

Bennett                      Lugar

So the amendment (No. 1842), as further modified, was agreed to.

The PRESIDING OFFICER. The question is on the underlying amendment, as amended.

Mr. EXON. Mr. President, may we have order, please?

Mr. MCCONNELL. I move to reconsider the vote.

The PRESIDING OFFICER. The Senate will be in order.

The motion to reconsider the previous vote has been made.

Mr. KERRY. I move to lay that motion on the table.

The PRESIDING OFFICER. There is a motion to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1839, AS AMENDED

Mr. EXON. Mr. President, what is the matter currently before the Senate?

The PRESIDING OFFICER. Amendment No. 1839, as amended.

Mr. EXON. Further debate has been ordered, then, before we proceed to consider the matter for final approval, is that right?

The PRESIDING OFFICER. Under the previous order, it provided for an immediate vote upon the disposition of the second-degree amendment.

Mr. EXON. There was a unanimous-consent agreement to that effect?

The PRESIDING OFFICER. That is correct.

The question is on the underlying first-degree amendment, as amended.

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? This is the same amendment as just voted on. Is there a sufficient second?

Mr. EXON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. EXON. I know that.

The PRESIDING OFFICER. There is not sufficient second.

Mr. LOTT. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for a parliamentary inquiry.

Mr. LOTT. There was a good deal of discussion when the Senator from Nebraska was making his motion. Is he asking for a recorded vote on the Simpson amendment?

Mr. FORD. As amended.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LOTT. I thought we had vitiated that in an earlier unanimous-consent request?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. So that has been disposed of.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. May I make further inquiry of the Chair?

If I understand what the situation is at the present time, there was a unanimous consent agreement earlier, after we had voted on the second-degree amendment, that the underlying amendment offered by the Senator from Wyoming would then be approved on a voice vote? Was that the unanimous-consent agreement?

The PRESIDING OFFICER. It would be voted on immediately following.

Mr. EXON. Immediately following.

I have asked for a rollcall vote. I did not receive a sufficient second? Is that the ruling of the Chair?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I make one further request for a rollcall vote on the Simpson amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

Mr. LOTT. Mr. President, I observe the absence of a quorum.

Mr. FORD. Regular order.

The PRESIDING OFFICER. The regular order is for the Chair to determine.

Mr. LOTT. Mr. President, again, parliamentary inquiry, I think we need to

try to understand exactly where we are and what we are trying to accomplish here.

I believe, in framing my parliamentary inquiry, the amendment now before us is identical to the language we just voted on. And, therefore, this would be a second recorded vote on the same issue we just voted on now, under the Craig amendment?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

The yeas and nays have been requested.

Mr. LOTT. Mr. President, just one further parliamentary inquiry. We were to the point, if we were able to complete that vote and dispose of it, hopefully, to enter a unanimous-consent agreement that would allow us to complete action tonight and perhaps have final passage on this issue, a final vote in the morning at 9 o'clock.

So I was in hopes that we could complete this final vote that we just had and move on to the unanimous consent agreement without additional recorded votes tonight. I just wanted to make that point before we proceed further.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

Mr. BUMPERS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for a parliamentary inquiry.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Did I understand just now that the order is that since this rollcall vote has been requested by the Senator from Nebraska, we vote on that and that the only pending business left before final will be voted on at 9 o'clock in the morning? Is that correct?

Mr. LOTT. Mr. President, if I might respond to the Senator from Arkansas, no. It was our hope that we could then enter into a unanimous-consent agreement that would, if we get all the details agreed to, say that any further recorded votes would occur in the morning at 9 o'clock on any amendments thereto and final passage if any amendments are requested for recorded vote.

Mr. BUMPERS. Mr. President, I just ask the distinguished assistant majority leader if he can tell us how many amendments we are working on. What is the potential for more votes?

Mr. LOTT. Mr. President, if I might respond, there are about three amendments that are still pending. We think maybe a recorded vote would be necessary on one of those amendments. But we need to work through the unanimous-consent agreement first.

Mr. LAUTENBERG. Will the Senator from Mississippi yield for a question? Can we identify those amendments?

Mr. LOTT. They have been identified. We have discussed those with the distinguished Democratic leader and with the managers of the bill.

Mr. LAUTENBERG. I would like to know who the author is and what the nature of these amendments are before

agreeing to closing out the amendment tree and leaving only final passage to be considered.

Mr. LOTT. That would be the hope of the managers of the bill as soon as we move to that. In fact, I think we are ready to go to the unanimous-consent request here momentarily.

The PRESIDING OFFICER (Mr. GRAMS). The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desired to vote?

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 326 Leg.]

#### YEAS—59

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kerry	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feinstein	Mack	

#### NAYS—37

Akaka	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Bryan	Inouye	Pryor
Bumpers	Kennedy	Robb
Byrd	Kohl	Rockefeller
Conrad	Lautenberg	Sarbanes
Daschle	Leahy	Simon
Dodd	Levin	Wellstone
Exon	Lieberman	
Feingold	Mikulski	

#### NOT VOTING—4

Bennett	Johnston
Dorgan	Lugar

So, the amendment (No. 1839), as amended, was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1838, AS MODIFIED

Mr. FORD. Mr. President, the distinguished Senator from Colorado [Mr. BROWN] and I have been working on amendment No. 1838. We now have arrived at an agreement.

I ask unanimous consent to modify amendment No. 1838.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

#### SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking “or”; and  
(2) by striking clause (viii) and inserting the following:

“(viii) greater than \$1,000,000 but not more than \$5,000,000, or  
“(ix) greater than \$5,000,000;  
“(x) greater than \$1,000,000.”

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking “and”; and

(2) by striking subparagraph (G) and inserting the following:

“(G) greater than \$1,000,000 but not more than \$5,000,000;  
“(H) greater than \$5,000,000 but not more than \$25,000,000;  
“(I) greater than \$25,000,000 but not more than \$50,000,000; and  
“(J) greater than \$50,000,000;  
“(K) greater than \$1,000,000.”

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by inserting after 102(e)(1)(E) the following:

“(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 shall apply to spouses and dependent children only if the income, asset or liability is held jointly with the reporting individual; all other income and/or liabilities of a spouse or dependent children greater than \$1,000,000 shall be categorized as greater than \$1,000,000.”

Mr. FORD. I thank the Chair.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that section 6 be stricken from S. 1060, and when the Senate considers S. 1061, section 6 be inserted at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1838, AS MODIFIED

Mr. BROWN. Mr. President, with the assistance of the distinguished Senator from Kentucky, I believe amendment No. 1838 is modified in a way that meets the approval of Members. To refresh Members' memories, this amendment deals solely with reporting categories, not the more controversial areas of residence or the area of blind trust. This amendment deals solely with reporting categories. The modification makes it clear that it does not apply the new categories to the assets, income or liabilities of dependents or spouses, but only to those of the reporting individuals.

Mr. President, I believe the amendment is at a point where both sides have agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1838), as modified, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1840 WITHDRAWN

Mr. BROWN. Mr. President, my second amendment is amendment No. 1840. It deals with reporting of residences.

Mr. President, I have had the opportunity in the last several hours to hear from, I believe, close to a majority of my colleagues. It is quite clear from those who have spoken to me that there is not support in the Chamber for this amendment.

While I continue to believe that assets of this kind that exceed \$1 million should be reported, it is quite clear—or so it appears—that we do not have the votes for this.

Therefore, I withdraw amendment No. 1840.

The PRESIDING OFFICER (Mr. DEWINE). The amendment is withdrawn.

So the amendment (No. 1840) was withdrawn.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

#### AMENDMENT NO. 1844

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOLE, proposes an amendment numbered 1844.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

#### AMENDMENT TO THE FOREIGN AGENTS

##### REGISTRATION ACT (P.L. 75-583)

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

#### SEC. 11. REPORTS TO THE CONGRESS.

The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.

Mr. McCONNELL. Mr. President, it is my understanding that this amendment has been cleared on both sides.

Mr. LEVIN. We have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1844) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1845

(Purpose: To amend section 207 of title 18, United States Code, to prohibit any person serving as the U.S. Trade Representative and the Deputy U.S. Trade Representative from representing or advising a foreign entity at any time after termination of that person's service and to disqualify such a person from serving as a U.S. Trade Representative and the Deputy U.S. Trade Representative)

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOLE, proposes an amendment numbered 1845.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

#### SEC. . BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting “or Deputy United States Trade Representative” after “is the United States Trade Representative”; and

(2) striking “within 3 years” and inserting “at any time”.

“(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19

U.S.C. 2171(b)) is amended by adding at the end following new paragraph:

“(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

Mr. MCCONNELL. Mr. President, this is the Dole amendment related to the U.S. Trade Representative.

Mr. LEVIN. Mr. President, I understand that this amendment has been modified. It is no longer retroactive; it is prospective only, is that correct?

Mr. MCCONNELL. That is correct.

Mr. LEVIN. With that modification, I have no objection. I think it might be wise to state, perhaps, what that amendment does provide, because it does make a change in terms of the USTR, who can be appointed to USTR. I think it would be wise, because it makes a change in the revolving door law, that this be stated, albeit briefly.

Mr. MCCONNELL. Mr. President, the first provision says that no one shall be appointed to the important post of U.S. Trade Representative, or a Deputy U.S. Trade Representative, if that person had in the past directly represented a foreign government at a trade dispute or negotiation with the United States.

The second provision says that nobody who served as U.S. Trade Representative, or Deputy U.S. Trade Representative, may, after his or her employment has ended, represent, aid, or advise any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency.

I do not know whether the Senator from Michigan would like me to go on. I think that basically explains the amendment.

Mr. DOLE. Mr. President, this amendment has two provisions:

The first provision says that no one shall be appointed to the important posts of U.S. Trade Representative or Deputy U.S. Trade Representative if that person had, in the past, directly represented a foreign government in a trade dispute or negotiation with the United States.

The second provision says that no one who has served as U.S. Trade Representative or Deputy U.S. Trade Representative may, after his or her employment has ended, represent, aid, or advise any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency; 18 U.S.C. section 207(f)(2) currently prohibits the U.S. Trade Representative from aiding and advising a foreign entity for a period of 3 years after his service has ended. My

amendment transforms this 3-year ban into a lifetime ban and applies the ban to the Deputy Trade Representative as well.

Of course, there are many fine men and women who have served America as our trade representatives. My amendment should not be misconstrued as an effort to impugn their integrity in any way whatsoever.

The real problem here is one of appearance—the appearance of a revolving door between Government service and private-sector enrichment. This appearance problem becomes all the more acute when former high Government officials work on behalf of foreign interests.

That is why my amendment insists that if you have represented the United States as one of its most senior trade officials in sensitive trade negotiations, you should not now—not 3 years from now, not ever—represent a foreign government or foreign business before the Government of the United States.

Service as a high Government official is a privilege, not a right. This amendment may discourage some individuals from accepting the U.S.T.R. job, but in my view, this is a small price to pay when the confidence of the American people is at stake.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

So the amendment (No. 1845) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1841

Mr. BROWN. Mr. President, I believe my amendment No. 1841 is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWN. Mr. President, it is my understanding that there is disagreement by Members on this amendment.

To refresh the memory of others, this is the amendment that would allow for the total assets of a trust to be reported on the disclosure form, in the event that the Member is advised under the trust instrument of what the total cash value of those assets are. Right now, Members do report income from their blind trust. They do not, however, report the total cash value of that blind trust, even though our form of a qualified blind trust does report that to the Member.

So this amendment removes a loophole. It would provide for reporting of the total cash value. That clearly does not include the underlying assets, but it includes the total cash value of all the assets, only in the case that the trust instrument provides for that to be reported to the individual.

Mr. President, there is disagreement on this. I, therefore, ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I have discussed this amendment with the distinguished Senator from Colorado, and I have expressed some reservation about it, because what we are doing here is really amending the structure of the blind trust—understanding that it has been in existence here—that permits Members to disassociate the management of assets from their activities here and thereby not involving any opportunity for conflict. It serves a purpose. It has been on the books for some time now as part of the responsibilities of disclosure of Senators.

Frankly, I think this is a rather back-door attempt to place this now in front of the public without full consideration. I think there ought to have been hearings about this to see what the Finance Committee or the Judiciary Committee has to say about the value of this instrument as an opportunity to serve, without having to look back over one's shoulder, about whether or not they are making a decision that may in fact present a conflict.

I heard very clearly what the Senator said. All this does is talk about the value. Well, right now, that value may or may not be known but, likely, in an accountant's report, it is to be known for the value of doing one's estate planning, financial planning, children, other beneficiaries, in terms of where one would like to see the assets perhaps testamentally go. But now what we are saying is, OK, whether you obtain your assets through inheritance, hard work under the opportunities afforded in our country, the accumulation of assets now begins to look like it is somehow or other a stigma on one's ability.

What we are going to do is continue to denigrate the interest in serving by exposing families to public review, by encouraging those who seek to gain other people's assets, by either criminal or illegal means—and that is the purpose of having some protection.

I assume that the Senator says that “OK, what we ought to do is make sure that anybody who has acquired assets, no matter how hard they worked for it, no matter how ingenious they have been in creating it, they ought to present it willy-nilly out there for public scrutiny.”

We now, Mr. President, have categories of assets. I understand that one of those, if I am correct, and I ask the Chair to be sure that what I am saying is accurate, one of those has just been modified so that we now have new levels of reporting assets that we did not have before.

Is that true, Mr. President?

The PRESIDING OFFICER. The Chair cannot comment on the substance of the amendment.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. LAUTENBERG. I yield to the Senator.

Mr. BROWN. The Senator is correct, the amendment just accepted adds categories to the existing law, which stops at greater than \$1 million. The additional categories apply only to a Member's personal or joint assets.

Mr. LAUTENBERG. Mr. President, I suggest that the Senator further modify it to say, "Let's put your checkbook on the table, put your bank account out there so the public can see," and see what your bill paying process has been to make sure that the assets you choose to acquire are subject to public scrutiny.

This is a subterfuge of some kind. I cannot quite figure it out. Obviously, it is designed to either embarrass or stigmatize that which has been a legitimate practice here, and that is to say there are categories of assets that indicate in general terms what it is that these assets represent.

Now we are getting down to the nitty-gritty and perhaps we will eventually ask for weekly income or such things. The Senate has accepted it, Mr. President. I am sorry to see that we are, as we discuss lobbying reform, now into this kind of amendment.

I wish it had been offered. I might very well support it. I object to it as I hear it, because I have not had a chance to see it examined fully, to see whether it is an appropriate process, one that we adopted some time ago, and have been following fairly scrupulously.

Mr. President, I hope that this amendment will be defeated so it can be deferred and discussed at length in the appropriate committees, as opposed to tacking this on to the lobbying reform bill.

I also have an amendment, Mr. President, which I believe is listed in the category of amendments to be considered. I yield the floor.

Mr. BROWN. Mr. President, the measure before the Senate does not change the underlying statute. Under the statute, a beneficiary can receive certain information. In subparagraph 5:

Interested parties shall not receive any report on the holding and sources of income of the trust except a report at the end of each calendar quarter with respect to the total cash value of each of the interested parties in trust, or the net income or loss of the trust or any reports necessary to enable interested parties to complete individual tax returns.

It goes on. My amendment does not change what makes up a blind trust. What it does do is close a loophole. In the past, Members with a qualified blind trust received a report on their income and reported that income.

But Members who have a qualified blind trust and receive a report on the total cash value do not have to report the total cash value.

My amendment does not change the qualified blind trust, but it does change what we report. It provides for the closing of the loophole. It does not require the disclosure of the individual

assets in the blind trust. Obviously, those are not supposed to be disclosed to the people involved. It does however, require the disclosure of what is reported to the beneficiaries; that is, their total cash value. This has been on the books for some time.

Let me deal with another aspect. In my view, my amendment in no way is meant to cast a stigma about the abilities of anyone associated with the blind trust. I think people who work hard and save the money have a right to be proud of that. It is an achievement. It is not something that casts any stigma on them. This amendment is not offered in that light. It is offered in a belief that disclosure should be consistent and there should not be loopholes to shelter very large assets, and full disclosure for those with lesser assets.

The fact that you can afford an independent trustee should not be used as a measure for exempting you from disclosure. Disclosure ought to be applied both to those who cannot afford an independent trustee and those who can afford an independent trustee. I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1841

Mr. BROWN. Mr. President, I understand the leaders have reached an agreement on the Brown amendment, 1841. I ask unanimous consent to withdraw my request for a record vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

#### AMENDMENT NO. 1845

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator McCain be added as a cosponsor of the Dole U.S. Trade Representative amendment approved earlier tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, we will have a unanimous-consent agreement shortly. It is being typed. So, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday the Senate resume consideration of S. 1060, and at that time Senator LAUTENBERG be recognized to offer a relevant amendment; further, that the amendment be limited to a 60-minute time limitation to be equally divided in the usual form, and that there be no second-degree amendments in order to amendment.

I further ask that the only other amendment in order to S. 1060 be a managers' amendment to be offered following the disposition of the Lautenberg amendment; that it be considered under a 5-minute time limitation equally divided in the usual form; and, that immediately following the disposition of the managers' amendment S. 1060 be advanced to third reading and final passage occur all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Finally, I ask unanimous consent that the Senate turn to the consideration of S. 1061 at 9 a.m. on Tuesday, July 25 for the purpose of debate only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we are not quite ready to do the closing comments. But I would like to announce to the Members who might be watching or waiting that, since we have been able to reach the unanimous-consent agreement, there will be no further votes tonight. We will begin the session at 9 a.m. in the morning on the gift reform issue. And the votes will occur beginning at 12 o'clock. But there will be no further votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for morning business now wherein Members can speak not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ANNOUNCEMENT OF POSITION ON VOTES

Mr. FAIRCLOTH. Mr. President, I was necessarily absent on the evening of July 20, 1995. Had I been present, I would have voted "yea" on rollcall vote No. 317, an amendment offered by the Senator from Texas [Mr. GRAMM] regarding the elimination of set-asides in the Federal procurement process.

I was also necessarily absent on July 21, 1995. Had I been present I would have voted as follows: "yea" on rollcall vote No. 319, "yea" on rollcall vote No. 320, "yea" on rollcall vote No. 321, "yea" on rollcall vote No. 322, and "yea" on rollcall vote No. 323.

## RELOCATION OF THE "PORTRAIT MONUMENT"

Mr. STEVENS. Mr. President, last week, with the help of the distinguished majority leader BOB DOLE, the Senate in record time passed an important joint resolution. The measure calls for a statue honoring the leaders of the Women's Suffrage Movement to be removed from the crypt and put in a place of honor in the Capitol rotunda.

The House must now act on this resolution. But when it is approved, this Congress will have succeeded where three others did not.

In 1928, 1932, and 1950 resolutions were introduced to move the statue of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony from the crypt.

These resolutions went nowhere. But with Senator DOLE's help, we were able to quickly clear a space on the calendar for this resolution to be passed.

Timing is critical because we want to move the statue before the 75th anniversary of the ratification of the 19th amendment to the Constitution. That occurs on August 26, and several groups have planned ceremonies to mark the date when women earned the right to vote—and thereby gained full citizenship in our Republic.

I believe the elevation of that statue is long overdue and was pleased that so many of my colleagues gave their support. The rotunda is filled with monuments to the achievements of men in American history. It is only fitting that the accomplishments of these women will also be memorialized in a place of honor. Their efforts changed the history of the United States—and the world by making Democracy "saleable" to every person.

Mr. President, last week the 75th anniversary of Woman Suffrage task

force held a press conference and discussed our resolution. At that meeting, Joan Meacham and Dr. Caroline Sparks—leaders in the effort to move the statue—eloquently traced the history of the monument and what its elevation would mean to American women. I ask that their statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

REMARKS, JOAN-FAYE MEACHAM, PRESIDENT OF THE 75TH ANNIVERSARY OF WOMAN SUFFRAGE TASK FORCE

Press Conference to Announce Senate Passage of Resolution to Move the Suffrage Statue from the Crypt of the Capitol to the Rotunda, Sewall-Belmont House, July 19, 1995.

Good Morning, my name is Joan Faye Meacham. I am the President of the 75th Anniversary of Woman Suffrage Task Force. On behalf of the Task Force and the National Woman's Party, I welcome Senator Ted Stevens of Alaska and members of his staff, distinguished members of Congress, members of the Task Force's Honorary Leadership Committee, representative of participating women's organizations, and members of the press.

We are happy to be here at the historic Sewall-Belmont House to announce that on July 17, 1995 the U.S. Senate unanimously passed a resolution to move the suffrage statue from the Crypt of the U.S. Capitol to the Rotunda.

In 1848, a simple statement was included in the "Declaration of Sentiments" presented in Seneca Falls, New York at the Convention that launched the modern women's rights movement.

"Resolved. That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise."

The three women, Lucreita Mott, Elizabeth Cady Stanton and Susan B. Anthony, that we honor in the Suffrage Monument, devoted their entire adult lives to this duty to achieve the vote that we enjoy today.

As you know, August 26th is the 75th Anniversary of the success of their efforts. The 75th Anniversary Task Force is celebrating the achievements of these women and thousands of others who worked and sacrificed for suffrage by announcing four days of activities in our nation's capital from August 24th to August 27th 1995. One of our primary goals for this anniversary is to honor our suffrage leaders by moving their monument to a place of prominence in the Rotunda of the U.S. Capitol. The Senate's passage of the resolution to move the statue brings us closer to our long awaited goal.

Here to tell you more about the meaning of the statue and the effort to move, is Caroline Sparks, Chair of the 75th Anniversary Women's Rights March who, with Barbara Irvine, the President of the Alice Paul Centennial Foundation, was the founder and Co-Chair of the "Move the Statues" Campaign. Dr. Sparks, an activist for the women's rights for 25 years, has tirelessly worked to bring the story of the statue to public attention. It is with pride and appreciation that I introduce Dr. Sparks.

REMARKS BY CAROLINE H. SPARKS, PH.D., CHAIR OF THE 75TH ANNIVERSARY WOMEN'S RIGHTS FESTIVAL AND MARCH AND CO-CHAIR OF THE "MOVE THE STATUE" CAMPAIGN

Press conference to Announce Senate Passage of the Resolution to Move the Suffrage Statue to the Capitol Rotunda. July 19, 1995, Sewall-Belmont House.

The statue of suffrage leaders, featuring Lucretia Mott, Elizabeth Cady Stanton and Susan B. Anthony—our "mothers of woman suffrage"—was presented to Congress by the women of the nation on February 15, 1921, Susan B. Anthony's birthday. Alice Paul of The National Woman's Party, commissioned the statue as a memorial to the work of women to achieve the vote.

Adelaide Johnson, the sculptor of the statue, tried to capture in her monument the spirit of the revolution that enfranchised the women of our nation. Her beliefs about the import of the woman movement are expressed in her original inscription for the monument:

"Spiritually the woman movement is the all-enfolding one. It represents the emancipation of womanhood. The release of the feminine principle in humanity, the moral integration of human evolution come to rescue torn and struggling humanity from its savage self."

Johnson's inscription described the three suffrage leaders as "the three great destiny characters of the world whose spiritual import and historical significance transcend that of all others of any country or any age." Her words were whitewashed out with yellow paint in 1921 after the Joint Committee of the Library of Congress balked at the so-called pagan language that glorified the early feminist movement. The statue was moved from the Rotunda to the Crypt shortly after its initial dedication, where it still remains, 75 years later. The statue's name has been lost though it has been known variously as "The Woman Movement", "Revolution" and the "Pioneer Suffrage Statue". Today, known simply as "The Portrait Monument", the women's names face the wall and cannot be seen.

I first saw the statue while in Washington for a march for women's equality in 1977. Like many women, a friend and I simply stumbled upon it. Although we had been activists for many years, we had never known of its existence. When I worked for the Feminist Institute, the statue was the inspiration for the development of the Feminist Walking Tour of Capitol Hill, in which we gave women an opportunity to see women's history in the nation's capital and to hear stories of women's fight for equality. Women still tell me that they "stumble" upon the statue, never having known its story.

In 1990, a coalition of women's groups, led by the Feminist Institute, the Alice Paul Foundation, The National Woman's Party and other women's organizations and supporters launched a campaign to move the statue. We felt then, and we still feel, that we need public symbols that depict women who have participated in the creation of our Nation. We are concerned that visitors to the Capitol Rotunda are left with the impression that women had nothing to do with the founding of the Nation. We believe it is important for our citizens, especially our children, and foreign guests to see pioneers of suffrage in the Rotunda with George Washington, Abraham Lincoln and Martin Luther King, as an inspiration and a reminder that women fought for over 70 years to win basic rights. Young women, especially, need to know that women accepted their duty to fight for our rights and be inspired to continue the struggle for equality begun by these foremothers. Everyone needs to know the history of the struggle to achieve suffrage for half our population.



Our coalition is not the first to demand more prominent display of the suffrage monument. A year after the statue was removed to the basement storage area, members of the National Woman's Party protested that it was covered with dirt and rubbish. Unable to have the statue cleaned, they brought mops and buckets in and cleaned it themselves. Resolutions to move the statue have been brought before Congress in 1928, 1932 and 1950 but were unsuccessful.

We, like these others who tried before us, want the Suffrage leaders in the rotunda as a visible reminder of the strength and ability of women and as an inspiration to women in the future to continue to fight for their rights. We believe that this, the 75th year after its creation, is the year this effort will be successful.

The Joint Resolution to Move the Statue has already passed unanimously in the Senate and now goes to the House of Representatives. We ask that our Representatives recognize the importance of women voters by joining the Senate in this resolution and we remind them that in a democracy: "It's not nice to put your forefathers in the living room and your foremothers in the basement."

With us today is someone who understood immediately the importance of honoring our suffrage leaders. Senator Ted Stevens of Alaska introduced the Joint Resolution to Move the Suffrage monument to the Rotunda. We thank Senator Stevens and ask that he make a few remarks about his involvement in the effort to move the statue.

#### BOSNIA

Mr. PRESSLER. Mr. President, I wanted to take a few moments to share with my Senate colleagues my concerns regarding our current policy in Bosnia.

The situation in Bosnia is a tragedy, there is no question. It is a tragedy borne by interventionist policies that have not worked, and will not work if allowed to continue. Most important, unless we reverse current policies, we are inviting for increased U.S. involvement, in the form of air support now and ground troops tomorrow. That must not happen.

The conflict between the Moslems and Serbs that reside in Bosnia did not begin with the fall of the former Yugoslavian Government. The conflict has roots of animosity that are far deeper—roots that stretch back for centuries. This is just the latest chapter, the latest reincarnation, of a brutal civil war between ethnic factions. What makes this latest chapter of conflict more tragic is the fact that one side has been prevented from defending its people by governments and organizations that claim to support their interests.

Mr. President, I believe we should not send U.S. ground troops to Bosnia for two basic reasons. First, there is no clear objective, no national security interest that justifies deploying American forces into a regional civil war.

American lives are sacred. As an army lieutenant who served in Vietnam, I strongly oppose sending our young men and women to Bosnia as a

separate force or under U.N. command. It is plain common sense that you do not commit American forces without a clear plan or purpose. To do otherwise would not be fair to our troops. It would not be fair to their families. At this time, no clear plan or purpose exists that would justify U.S. troop deployment.

Second, I oppose sending American troops to Bosnia because I believe it would only make matters worse in the region. I am concerned that the insertion of American forces to carry out current policies in Bosnia would only extend the conflict. Again, Mr. President, this is a civil war. Past history suggests that when foreign governments intervene in a civil war, they serve to exacerbate the conflict.

We must not forget our own history. We had a civil war of our own—the bloodiest, costliest conflict in our Nation's history. It was a long, brutal affair. Yet, had England or France entered on the side of the Confederacy at that time—which they considered doing—I believe our civil war would have gone on far longer—meaning more pain, more suffering, more lives lost on both sides.

The same is true in Bosnia. We have seen outside parties, mainly the United Nations, intervene in Bosnia already. This intervention included an arms embargo that has prevented a legitimate government from defending itself. It has prevented the citizens of a legitimate government from defending their homes and property. This intervention has done nothing more than allow the conflict to drag on with no end in sight. This policy of intervention has failed. And unless we recognize this now, we will only make matters worse for the people in the region and for our own people at home.

So, again, Mr. President, let me state that our current interventionist policy in Bosnia has failed. It is wrong. And if allowed to continue, I fear it will mean U.S. troops in Bosnia. That must not happen. I oppose placing U.S. troops under our own leadership or under the authority of the United Nations in Bosnia in the midst of a Bosnian civil war. There is no commonsense justification for doing so. The Government of Bosnia has not asked for U.S. troops. The people of Bosnia know that U.S. troops will only make the conflict last longer and would claim more lives unnecessarily. They simply want the right to defend themselves. I agree. Let us give them that right, and let us keep our American forces here at home.

#### WAS CONGRESS IRRESPONSIBLE? JUST LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids any President to spend even a dime of Federal tax money that has not first been authorized and appropriated by Con-

gress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, it is the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at \$4,936,735,579,244.31 as of the close of business Friday, July 21. This outrageous debt—which will be passed on to our children and grandchildren—averages out to \$18,739.93 for every man, woman, and child in America.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

##### ENROLLED BILLS SIGNED

A message from the House, received on July 21, 1995, during the recess of the Senate, announced that the Speaker pro tempore (Mr. ARMEY) signed the following enrolled bill:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

#### MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes (Rept. No. 104-118).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 402. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes (Rept. No. 104-119).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Mary S. Furlong, of California, to be Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999, vice Daniel W. Casey, term expired.

Lynne C. Waihee, of Hawaii, to be a member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Richard J. Stern, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2000, vice Catherine Yi-yu Cho Woo, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself and Mr. JEFFORDS):

S. 1065. A bill to provide procedures for the contribution of volunteer United States military personnel to international peace operations; to amend title 10, United States Code, to provide for participation of the

Armed Forces in peacekeeping activities, humanitarian activities, and refugee assistance, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself and Mr. NICKLES):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feed stocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1068. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself and Mr. JEFFORDS):

S. 1065. A bill to provide procedures for the contribution of volunteer U.S. military personnel to international peace operations; to amend title 10, United States Code, to provide for participation of the Armed Force in peacekeeping activities, humanitarian activities, and refugee assistance, and for other purposes; to the Committee on Foreign Relations.

#### THE INTERNATIONAL PEACE OPERATIONS SUPPORT ACT OF 1995

Mr. SIMON. Mr. President, Senator JEFFORDS and I are introducing today a bill entitled "The International Peace Operations Support Act of 1995." The bill would enhance the U.S. military's ability to contribute to international peace operations, and is similar to legislation we introduced in the last Congress.

The Simon-Jeffords bill requires the President to report to Congress on a plan to earmark within the Armed Forces a contingency force that could be used for peace and humanitarian operations, and could be deployed on 24-hour notice. The force would include up to 3,000 active-duty personnel from any of the services, who would volunteer to serve in international peace operations. The soldiers would receive extra compensation for their participation, and would get special training for such operations.

Additionally, the bill augments the mission statements of the Army, Navy, and Air Force by affirming that their responsibilities include participation in "international peacekeeping operations, humanitarian activities, and refugee assistance activities, when determined by the President to be in the national interest."

Senator JEFFORDS and I designed this legislation to help the U.S. military meet some of the emerging threats in the post-cold-war era: ethnic conflicts and civil wars that cause regional in-

stability, humanitarian disasters, and aggressors that threaten our interests overseas. Just as the military was used to confront the threat of the cold war, it will be called upon to address the threats of today and tomorrow. This has been evident in recent years in Bangladesh, Somalia, Macedonia, Rwanda, and Haiti, where the United States military has been asked to perform missions beyond the scope of traditional war-fighting, generally called peace operations.

Some reject categorically these kinds of roles for our military. I believe that is a mistake, and a denial of reality. That point of view implies that our military planners should prepare only for the big ones like World War II on the gulf war. That notion is not realistic, and would not serve our national security interests. Regional conflicts and instability are inevitable, and humanitarian disasters are inescapable. Peace operations will be needed, and the U.S. military—the most capable in the world—will be called upon to respond, so long as our Nation rejects isolationism.

Simon-Jeffords bill would help us respond to emergencies and crises by consolidating up to 3,000 soldiers with both the will and the training to undertake peace operations, who could react on short, perhaps 24-hour, notice. Let me give an example of why this is important:

In May 1994, when the situation in Rwanda was going from worse to horrific, Senator JEFFORDS and I called the Canadian general in charge of the small U.N. force there. General Daullaire made it clear that the quick infusion of 5,000-8,000 troops could stabilize the situation. Unfortunately, the United Nations did not have the troops, nor were nations willing to provide them, and we subsequently witnessed the deaths of hundreds of thousands. Rapid deployment of a contingency force as envisioned in this bill, in conjunction with similar forces in other countries, may have been able to help General Daullaire prevent some of the tragedy in Rwanda.

The concept of rapid reaction capability is neither new nor is it revolutionary. The first U.N. Secretary General, Trygve Lie, raised the idea in 1948, and there is a growing interest among the international community in enhanced military responsiveness. In fact, the United States is far behind our allies on new thinking in these areas. Canada is studying proposals to have nations designate contingency forces for peace operations, which would be coordinated by a central headquarters in some location. Our bill would fit into that plan very well. Denmark and the Netherlands are also formulating plans on quick reaction forces.

The U.S. military realizes that we will have to deal with regional crises, and I give credit to the services for incorporating peace and humanitarian

operations into their mission statements, strategy and planning. The National Military Strategy prepared by the Joint Chiefs finds that peacetime engagement activities are a primary military task—activities such as peacekeeping, humanitarian operations and democratic assistance. Senator JEFFORDS and I believe our bill complements these efforts already underway.

I noted before that the contingency force would be made of volunteers, who would be given added compensation. This is all volunteers, who would be given added compensation. This is an important component. We must recall that despite the difficulties with our operations in Somalia and Haiti, our soldiers expressed a sense of pride and accomplishment in their missions to help the people in these troubled lands. I imagine that it would not be difficult to find soldiers who would like to join this force.

The burden of world leadership is on the United States—we are the richest, the most influential, and the most militarily capable nation. Our soldiers will inevitably be called on to respond to world crises. The Simon-Jeffords bill can improve our response capability by providing for a contingency force of specially trained troops for quick deployment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1065

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "International Peace Operations Support Act of 1995".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) With the end of the Cold War, the United States is clearly the undisputed world economic and military leader and as such bears major international responsibilities.

(2) Threats to the long-term security and well-being of the United States no longer derive primarily from the risk of external military aggression against the United States or its closest treaty allies but in large measure derive from instability from a variety of causes: population movements, ethnic and regional conflicts including genocide against ethnic and religious groups, famine, terrorism, narcotics trafficking, and proliferation of weapons of mass destruction.

(3) To address such threats, the United States has increasingly turned to the United Nations and other international peace operations, which at times offer the best and most cost-effective way to prevent, contain, and resolve such problems.

(4) In numerous crisis situations, such as the massacres in Rwanda, the United Nations has been unable to respond with peace operations in a swift manner.

(5) The Secretary-General of the United Nations has asked member states to identify in advance units which are available for contribution to international peace operations under the auspices of the United Nations in order to create a rapid response capability.

(6) United States participation and leadership in the initiative of the Secretary-General is critical to leveraging contributions from other nations and, in that way, limiting the United States share of the burden and helping the United Nations to achieve success.

#### SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "appropriate congressional consultation" means consultation as described in section 3 of the War Powers Resolution; and

(2) the term "international peace operations" means any such operation carried out under chapter VI or chapter VII of the United Nations Charter or under the auspices of the Organization of American States.

#### SEC. 4. REPORT ON PLAN TO ORGANIZE VOLUNTEER UNITS.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress setting forth—

(1) a plan for—

(A) organizing into units of the Armed Forces a contingency force of up to 3,000 personnel, comprised of current active-duty military personnel, who volunteer additionally and specifically to serve in international peace operations and who receive added compensation for such service;

(B) recruiting personnel to serve in such units; and

(C) providing training to such personnel which is appropriate to such operations; and

(2) proposed procedures to implement such plan.

#### SEC. 5. AUTHORIZATION.

(a) IN GENERAL.—Upon approval by the United Nations Security Council of an international peace operation, the President, after appropriate congressional consultation, is authorized to make immediately available for such operations those units of the Armed Forces of the United States which are organized under section 4(1)(A).

(b) TERMINATION OF USE OF UNITED STATES ARMED FORCES.—(1) Subject to paragraph (2), the President may terminate United States participation in international peace operations at any time and take whatever actions he deems necessary to protect United States forces.

(2) Notwithstanding section 5(b) of the War Powers Resolution, not later than 180 days after a Presidential report is submitted or required to be submitted under section 4(a) of the War Powers Resolution in connection with the participation of the Armed Forces of the United States in an international peace operation, the President shall terminate any use of the Armed Forces with respect to which such report was submitted or required to be submitted, unless the Congress has extended by law such 180-day period.

#### SEC. 6. AVAILABILITY OF FUNDS.

Funds available to the Department of Defense are authorized to be available to carry out section 5(a).

#### SEC. 7. WAR POWERS RESOLUTION REQUIREMENTS.

Except as otherwise provided, this Act does not supersede the requirements of the War Powers Resolution.

#### SEC. 8. MISSION STATEMENTS FOR ARMED FORCES.

(a) ARMY.—Section 3062(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "and"; and

(3) by adding at the end the following:

"(5) participating in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States.".

(b) NAVY.—Section 5062(a) of such title is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out the second sentence; and

(3) by adding at the end the following new paragraph:

"(3) The Navy is responsible for the preparation of naval forces necessary for the following activities:

"(A) Effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

"(B) Participation in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States.".

(c) AIR FORCE.—Section 8062(a) of such title is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "and"; and

(3) by adding at the end the following:

"(5) participating in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States.".

Mr. JEFFORDS. Mr. President, today I join Senator SIMON in introducing the Simon-Jeffords International Peace Operations Support Act of 1995.

The altogether natural and necessary focus in American politics on our domestic problems should not blind us to the monumental responsibilities of the United States as a leader of the world community. The very real dangers of the post-cold war world, as well as the equally real opportunities, are ignored only at our peril.

When civil strife or naked aggression threaten the stability of countries or whole regions and threaten the lives of whole populations, it is clearly in the world community's interest to try to do something. This response could take many forms, and a U.S. contribution might appropriately consist of political support, logistics or intelligence assistance, or provision of equipment. But there surely will be times when it will be in the U.S. national interest to respond to acute peacekeeping and other humanitarian needs with a contribution of troops.

We are severely hamstrung today in our ability to respond to these types of problems. With the most capable military establishment in the world, we find ourselves often unable to contribute troops to international peacekeeping efforts because of unclear political guidance to our military as to whether peacekeeping is part of its mission and a reluctance to train a designated cadre of troops to perform the tasks of peacekeeping, refugee assistance, and other humanitarian operations.

Our legislation addresses this problem. It sharpens one of our tools of foreign and security policy by providing

clearer guidelines for U.S. troop contributions to United Nations or other international peace activities. It specifically makes this activity a formal mission of the U.S. military in cases where U.S. national interests are served by a peacekeeping deployment. It also calls for the identification of a specific unit or units consisting of service personnel who have volunteered for such service and who would be given specialized training for the unique circumstances of such missions.

The preeminent position of the United States in the world, and our far-flung commercial and security interests do not always dictate that we contribute troops to address particular problems, but they do dictate that we be prepared to do so if necessary. As in other areas of international endeavor, U.S. leadership means that our contributions leverage contributions by other states that follow our lead. Thus, greater U.S. contributions to U.N. peacekeeping might, as the result of a multiplier effect, prove to be the most cost-effective method of increasing worldwide peacekeeping capabilities.

We are rightly proud of the dedication, skills, and bravery of our Armed Forces. They are the world's most effective fighting force, and their skills and dedication have successfully been applied to humanitarian activities in, for example, Operations Provide Comfort in Iraq and Restore Democracy in Haiti. Not all international crises will result in U.S. troop deployments. Indeed, our experience in Somalia has brought home quite clearly to us the limits of international action in the face of massive civil strife. But when the international community decides to act, and when we decide that it is appropriate to offer as our contribution the finest, most capable men and women in uniform in the world, we must be ready.

By Mr. BRADLEY (for himself and Mr. NICKLES):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feedstocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

#### THE CLEAN FUELS EQUITY ACT OF 1995

Mr. BRADLEY. Mr. President, I rise today to introduce legislation aimed at restoring some level of financial equity in the marketplace for clean automotive fuels. My bill will phase out certain targeted tax subsidies given to an industry that has too long received unique and favorable treatment under the Tax Code: The domestic ethanol industry. In this effort, I am very pleased to be joined in this effort by Senator NICKLES as an original cosponsor of this legislation.

The Clean Fuels Equity Act will phase out the ethanol tax subsidy for ethanol produced from feedstocks that already receive other subsidies through the Department of Agriculture's price

and income support programs. The phaseout would occur over 3 years to allow the existing industry an orderly transition to a less-sheltered marketplace. My legislation would continue to allow the tax credits for special energy crops, waste products, and other biomass that do not benefit from the USDA price supports. These energy crops hold some promise of environmental and energy benefits. Furthermore, they still represent a technically immature industry, for which additional Federal support might be justified.

As most people know, the bulk of the ethanol produced in the United States is derived from corn, and processed and sold in the Midwest; 20 years ago, there was no fuel ethanol industry. But, born from the crisis concerns of the late 1970's, this business grew from nothing, built by an array of special and substantial tax privileges. However, unlike many of the questionable policies developed during that period of energy crisis—from the Synfuels Corp. to the Fuel Use Act and plans for gas rationing—the ethanol subsidies continue to survive.

When the credits were initiated over 15 years ago, they were intended to jumpstart an industry that would not otherwise exist. This policy has obviously succeeded. The ethanol industry is no longer a small, fledgling industry. It now produces in excess of a billion gallons of ethanol per year and consumes roughly one-half billion bushels of corn yearly. It is an industry that now benefits from special tax credits and exemptions worth roughly \$700 million per year—a number that is growing. These tax subsidies are in addition to the millions of dollars in benefits the industry receives each year from the USDA price support programs.

In light of recent ethanol industry efforts to obtain regulatory expansions of their subsidies, it seems the ethanol industry's attitude can be characterized by the phrase "never enough." Why worry what it costs to produce a product when you get a targeted tax credit, soon to be worth nearly \$1 billion per year? Why worry about competition when you receive millions more through price supports?

The cost to taxpayers and the cost to consumers are real. These subsidies take money out of Americans' pockets. In the face of billions of dollars in cuts in Medicare, Medicaid, and education programs for children, I question a continued, substantial tax break to a single, well-established industry. By handing out subsidies to ethanol, the Government is passing along a bill worth hundreds of millions of dollars to taxpayers and consumers.

Ethanol competes in the marketplace with other chemicals that have no special tax break. These alternatives must compete based on price and performance. This legislation is not intended to be punitive to ethanol. Rather, it is an attempt to allow the markets a bet-

ter chance to work for the benefit of all consumers, taxpayers, and the environment. Furthermore, it is acknowledgment that you cannot have it both ways. If ethanol already benefits from price supports, there is no need for a tax credit to keep an industry afloat. It is that simple.

I urge my colleagues to consider this legislation carefully. Last year the Joint Tax Committee estimated that this bill would raise almost \$3 billion over a 5-year period; since then, the cost of subsidizing the ethanol industry has only gone up. In these times when we are struggling to reduce the deficit as well as the tax burden on the American middle class it makes sense to reduce unneeded subsidies whenever possible.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PHASE-OUT OF TAX SUBSIDIES FOR ALCOHOL FUELS PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.

(a) ALCOHOL FUELS CREDIT.—Section 40 of the Internal Revenue Code of 1986 (relating to credit for alcohol used as a fuel) is amended by adding at the end the following new subsection:

“(i) PHASE-OUT OF CREDIT FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(1) IN GENERAL.—No credit shall be allowed under this section with respect to any alcohol, or fuel containing alcohol, which is produced from any feedstock which is a subsidized agricultural commodity.

“(2) PHASE-IN OF DISALLOWANCE.—In the case of taxable years beginning in 1996 and 1997, paragraph (1) shall not apply and the credit determined under this section with respect to alcohol or fuels described in paragraph (1) shall be equal to 67 percent (33 percent in the case of taxable years beginning in 1997) of the credit determined without regard to this subsection.

“(3) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this subsection, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(b) EXCISE TAX REDUCTION.—

(1) PETROLEUM PRODUCTS.—Section 4081(c) of the Internal Revenue Code of 1986 (relating to taxable fuels mixed with alcohol) is amended by redesignating paragraph (8) as paragraph (9) and by adding after paragraph (7) the following new paragraph:

“(8) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(A) IN GENERAL.—This subsection shall not apply to any qualified alcohol mixture containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

“(B) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax under subsection (a) with respect to any qualified alcohol mixture described in subparagraph (A) shall be equal to the sum of—

“(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

“(ii) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

“(C) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this paragraph, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(2) SPECIAL FUELS.—Section 4041 (relating to tax on special fuels) is amended by adding at the end the following new subsection:

“(n) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(1) IN GENERAL.—Subsections (b)(2), (k), and (m) shall not apply to any alcohol fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

“(2) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax determined under subsection (b)(2), (k), or (m) with respect to any alcohol fuel described in paragraph (1) shall be equal to the sum of—

“(A) the rate of tax determined under such subsection (without regard to this subsection), plus

“(B) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under this section determined with and without regard to subsection (b)(2), (k), or (m), whichever is applicable.

“(3) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this subsection, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(3) AVIATION FUEL.—Section 4091(c) (relating to reduced rate of tax for aviation fuel in alcohol mixture) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

“(A) IN GENERAL.—This subsection shall not apply to any mixture of aviation fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

“(B) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax under subsection (a) with respect to any mixture of aviation fuel described in subparagraph (A) shall be equal to the sum of—

“(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

“(ii) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

“(C) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this paragraph, the term ‘subsidized agricultural commodity’ means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture.”

(C) EFFECTIVE DATES.—

(1) CREDIT.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

(2) EXCISE TAXES.—

(A) IN GENERAL.—The amendments made by subsection (b) shall take effect on January 1, 1996.

(B) FLOOR STOCK TAX.—

(i) IN GENERAL.—In the case of any alcohol fuel in which tax was imposed under section 4041, 4081, or 4091 of the Internal Revenue Code of 1986 before any tax-increase date, and which is held on such date by any person, then there is hereby imposed a floor stock tax on such fuel equal to the difference between the tax imposed under such section on such date and the tax so imposed.

(ii) LIABILITY FOR TAX AND METHOD PAYMENT.—A person holding an alcohol fuel on any tax-increase date shall be liable for such tax, shall pay such tax no later than 90 days after such date, and shall pay such tax in such manner as the Secretary may prescribe.

(iii) EXCEPTIONS.—The tax imposed by clause (i) shall not apply—

(I) to any fuel held in the tank of a motor vehicle or motorboat, or

(II) to any fuel held by a person if, on the tax-increase date, the aggregate amount of fuel held by such person and any related persons does not exceed 2,000 gallons.

(iv) TAX-INCREASE DATE.—For purposes of this subparagraph, the term “tax-increase date” means January 1, 1996, January 1, 1997, and January 1, 1998.

(v) OTHER LAWS APPLICABLE.—All provisions of law, including penalties applicable with respect to the taxes imposed by sections 4041, 4081, and 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subparagraph, apply with respect to the floor stock taxes imposed by clause (i).

#### THE CLEAN FUELS EQUITY ACT OF 1995

Senator BRADLEY’s legislation would phase out the existing tax credits for ethanol produced from certain feedstocks. The tax will be phased out for ethanol if it is produced from feedstocks, such as corn, that are eligible for various price and income supports under the programs of the U.S. Department of Agriculture. If the ethanol feedstock is a specialized energy crop, not supported by USDA, or a waste product, the tax credit will still be allowed.

The phase-out will occur over 3 years. Unless exempt, ethanol would be allowed: the full tax credits for calendar year 1995; 67 percent of the existing credits for 1996; and 33 percent of the existing credits for 1997. No special tax subsidies would be allowed for ethanol, unless exempt, after December 31, 1997.

The principal Federal incentive for ethanol is a 54-cent exemption from the Federal motor fuel excise tax. Each gallon of gasoline blended with at least 10 percent ethanol is eligible for the exemption. Using a blend, each gallon of ethanol can be blended with nine gallons of gasoline to make ten gallons of a blended fuel. All ten gallons are eligible for the exemption, which equates to a total exemption of 54 cents on each gallon of ethanol.

Also, an equivalent 5.4-cent-per-gallon federal blenders’ income tax credit or refund is available to fuel distributors that blend ethanol into motor fuels. The tax credit or refund can be taken in lieu of the excise tax exemption described above.

Because of these tax subsidies, ethanol can be offered at a dramatically lower price than would be the case otherwise. The U.S. ethanol industry produces approximately 1.2 billion gallons of ethanol for blending into fuel each year. This equates to a total subsidy value in excess of \$700 million annually. Last year’s effort by EPA to mandate a market set-aside for ethanol would have added at

least another \$300 million annually to the tax subsidy total.

Ethanol is produced today almost exclusively from feedstocks that are eligible for USDA support.

Mr. NICKLES. Mr. President, I am pleased to join my friend from New Jersey, Senator BRADLEY, in the introduction of legislation to phase-out tax subsidies for the ethanol industry. If enacted, our legislation will reduce the Federal budget deficit by nearly \$3 billion over the next 5 years.

For 15 years the Federal Government has provided substantial tax breaks to subsidize the development and use of ethanol as a clean, renewable fuel. Those subsidies have proven very effective, as the U.S. ethanol industry will produce over 1 billion gallons of ethanol for blending into fuel this year, costing the government over \$700 million in lost tax revenue.

However as with most government programs, even though the need for ethanol tax subsidies has ended, the subsidies themselves live on. In fact, the ethanol industry and their friends in the legislative and executive branches are continually seeking to expand those subsidies.

We believe the time has come to stop subsidizing a healthy industry. Other clean fuels offer the same benefits as ethanol, but struggle to compete against ethanol’s massive tax advantage.

Our legislation will even the playing-field by phasing-out the excise tax exemption and income tax credit over 3 years for ethanol produced from crops which are also eligible for U.S. farm program subsidies. This prevents the double-subsidization of some farm production, while allowing continued ethanol tax breaks for alcohol produced from non-subsidized crops or waste products.

Mr. President, as we seek to eliminate our budget deficit, it is important that we examine all forms of Federal spending, including specialized tax expenditures. We should not allow our tax code to subsidize healthy businesses, especially when those subsidies create an unfair competitive advantage over others. I am pleased to join Senator BRADLEY in this initiative.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

#### TAX ON TRANSPORTATION BY WATER

Mr. COHEN. Mr. President, I am introducing legislation today to clarify an interpretation of a section in the Internal Revenue Code that imposes a \$3 departure tax on ship passengers aboard vessels that travel outside the U.S. The provision was intended to apply to passengers on cruise ships and gambling voyages. The language of the statute reaches further, however, and the International Revenue Service has

been interpreting the law to apply to a broader class of passenger ship traffic, including ferry services that operate between the United States and Canada.

Section 4471 of the Internal Revenue Code was added to the Internal Revenue Code in the Omnibus Reconciliation Act of 1989. The provision originated in the Senate Commerce Committee as a means of that Committee fulfilling its reconciliation instructions. The tax writing committees assumed jurisdiction once it became clear that the provision was more in the nature of a tax than a fee. The fee, as envisioned by the Commerce Committee, was intended to apply to overnight passenger cruises that do not travel between two U.S. ports, and to gambling boats providing gambling entertainment to passengers outside the territorial waters of the U.S.

Unfortunately, the statutory language of the 1989 Act was not drafted in accordance with the intent of Congress. As a result, the tax appears to apply to commercial ferry operations traveling between the United States and Canada. Two such ferries operate between Maine and Nova Scotia. The Maine ferries carry commercial and passenger vehicles to Nova Scotia in the warmer months as a more direct means of transportation between Maine and eastern Canada. As such they are an extension of the highway system, carrying commercial traffic and vacationers. The lengths of the voyages are approximately 11 hours and almost all passengers traveling on the outbound voyages do not return on the inbound voyages of the two ferries. Because the trips are of some length, the ferries provide entertainment for the passengers, including some gaming tables that bring in minimal income.

This is not a voyage for the purpose of gambling and the great majority of the passengers, including children, do not gamble. Clearly, these ferries are not the kind of overnight passenger cruises or gambling boats intended to be covered by the law. However, the IRS has been interpreting the statute to apply this tax to ferries.

The statute establishes a dual test for determining if the tax applies. First, the tax applies to voyages of passenger vessels which extend over more than one night. As a factual matter, the Maine ferries do not travel over more than one night but the IRS interprets that they do because it takes into account both the outward and inward voyage of the vessel. The IRS considers both portions of the trip to be one voyage even though virtually no passengers are the same.

Second, the tax applies to commercial vessels transporting passengers engaged in gambling. Although the intent was to apply the tax to gambling boats, the wording of the statute applies to all passengers on vessels that carry any passengers who engage in gambling, no matter how minor that gambling. That interpretation subjects the Maine ferries to the tax because they

earn a minimal amount of income from providing gambling entertainment to some passengers.

The legislation I am introducing clarifies the statute by exempting ferries which are defined as vessels where no more than half of the passengers typically return to the port where the voyage began.

This legislation is not intended to give a special break to a certain class of passenger ships. It is instead intended to clarify the statute so that it achieves its original intent: To tax passengers on cruise ships and gambling voyages, not passengers on ferry boats.

The imposition of the tax to ferries is particularly unfair. First, because Congress did not intend to tax such ferries. Second, because the burden of the tax relative to the price of the ticket, is greater on ferries. Their ticket prices are much lower than tickets for cruise ships so the tax is considerably more burdensome for ferry operations and interferes to a greater extent with their operations.

Similar legislation addressing this issue has been approved by the Finance Committee in the past but the underlying bills were not enacted into law.

I ask unanimous consent that a copy of the introduced legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1067

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXEMPTION FOR TRANSPORTATION ON CERTAIN FERRIES.**

(a) GENERAL RULE.—Subparagraph (B) of section 4472(1) of the Internal Revenue Code of 1986 (relating to exception for certain voyages on passenger vessels) is amended to read as follows:

“(B) EXCEPTION FOR CERTAIN VOYAGES.—The term ‘covered voyage’ shall not include—

“(i) a voyage of a passenger vessel of less than 12 hours between 2 ports in the United States, and

“(ii) a voyage of less than 12 hours on a ferry between a port in the United States and a port outside the United States.

For purposes of the preceding sentence, the term ‘ferry’ means any vessel if normally no more than 50 percent of the passengers on any voyage of such vessel return to the port where such voyage began on the 1st return of such vessel to such port.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to voyages beginning after December 31, 1989; except that—

(1) no refund of any tax paid before the date of the enactment of this Act shall be made by reason of such amendment, and

(2) any tax collected from the passenger before the date of the enactment of this Act shall be remitted to the United States.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1068. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

**STOP ARMING FELONS (SAFE) ACT**

Mr. LAUTENBERG. Mr. President, today Senator SIMON and I are introducing legislation, the Stop Arming Felons, or SAFE, Act, to close two loopholes in current law that allow convicted violent felons to possess and traffic in firearms.

The legislation would repeal an existing provision that automatically restores the firearms privileges of convicted violent felons and drug offenders when States restore certain civil rights. In addition, the bill would abolish a procedure by which the Bureau of Alcohol, Tobacco and Firearms can waive Federal restrictions for individuals otherwise prohibited from possessing firearms or explosives.

As a general matter, Mr. President, Federal law prohibits any person convicted of a felony from possessing firearms or explosives. However, there are two gaping loopholes.

I call the first the “State guns for felons loophole.” Under this provision, if a felon’s criminal record has been expunged, or his basic civil rights have been restored under State law—that is, rights like the right to vote, the right to hold public office, and the right to sit on a jury—then the conviction is wiped out and all Federal firearm privileges are restored.

Many States automatically expunge the records or restore the civil rights of even the most dangerous felons. Sometimes this happens immediately after the felon serves his or her sentence. Sometimes, the felon must wait a few years. The restoration of rights or expungement often is conferred automatically by statute—not based on any individualized determination that a given criminal has reformed.

As a result of this loophole, which was added with little debate in 1986, even persons convicted of horrible, violent crimes can legally obtain firearms.

Mr. President, I think most Americans would agree that this guns for felons loophole makes no sense. Given the severity of our crime problem, we should be looking for ways to get tougher, not easier, on convicted felons. How can the government claim to be serious about crime, and then turn around and give convicted violent felons their firearms back?

I recognize that, according to some theories, the criminal justice system is supposed to rehabilitate convicted criminals. But in reality, many of those released from prison soon go back to their violent ways. According to the Justice Department, of State prisoners released from prison in 1983, 62.5 percent were arrested within only 3 years. Knowing that, how many Americans would want convicted violent felons carrying firearms around their neighborhood?

This guns for felons loophole also is creating a major obstacle for Federal law enforcement.

The Justice Department reports that many hardened criminals are escaping



prosecution under the Armed Career Criminal Act, which prescribes stiff penalties for repeat offenders, because the criminals' prior convictions have automatically been nullified by State law. It is a very serious problem. According to testimony before the House Judiciary Committee, for example, the U.S. Attorney in Montana believes that this provision has virtually gutted her ability to minimize violent crime by keeping guns out of the hands of known criminals in Montana.

Concern about the guns for felons loophole is not limited to Federal law enforcement officials. State and local law enforcement officers also feel strongly about this. The Presidents of the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers have written that the loophole is having "terrible results" around the country, and re-arming people with long criminal records.

Mr. President, the legislation that Senator SIMON and I are offering today would close this State guns-for-felons loophole. Under the bill, persons convicted of violent felonies or serious drug offenses would be banned from possessing firearms, regardless of whether a State restores other rights, or expunges their record.

In the case of those convicted of other, nonviolent felonies, a State's restoration of civil rights, or expungement, would not eliminate the Federal firearm prohibition unless the State makes an individualized determination that the person does not threaten public safety.

As under current law, if a conviction is reversed or set aside based on a determination that it is invalid, or the person is pardoned unconditionally, the Federal firearm prohibition would not apply.

Otherwise, though—and this is the essential message of the legislation—convicted violent felons and serious drug offenders would be strictly prohibited from possessing firearms. Not just for a year. Not just for a few years. But for the rest of their lives.

Let me turn now to the second "guns for felons loophole."

I think of this as the Federal guns for felons loophole. You could also call it the bombs for felons loophole.

Even if a felon's civil rights have not been restored under State law, nor his records expunged, there is another way that a criminal can legally obtain guns or explosives. The Bureau of Alcohol, Tobacco and Firearms can simply issue a waiver.

Under this second loophole, convicted felons of every stripe can apply to ATF, which then must perform a broad based field investigation and background check. If the Bureau believes that the applicant does not pose a threat to public safety, it can grant a waiver.

Between 1981 and 1991, 5600 waivers were granted.

Mr. President, this relief procedure has an interesting history. It was first established in 1965 not to permit common criminals to get access to guns, but to help out a particular firearm manufacturer, called Winchester. Winchester had pleaded guilty to felony counts in a kickback scheme. Because of the conviction, Winchester was forbidden to ship firearms in interstate commerce. The amendment was approved to allow Winchester to stay in business.

Because it was drafted broadly, however, the waiver provision applied not only to corporations like Winchester, but to common criminals. Originally, waivers were not available to those convicted of firearms offenses. But the loophole was further expanded in 1986, when Congress allowed even persons convicted of firearms offenses, as well as those involuntarily committed to a mental institution, to apply for a waiver.

Between 1981 and 1991, ATF processed well over 13,000 applications at taxpayer expense. Many of these have required a substantial amount of scarce time and resources. ATF investigations can last weeks, including interviews with family, friends, and the police.

In the late 1980's, the cost of processing and investigating these petitions worked out to about \$10,000 for each waiver granted. It is hard to imagine a more outrageous waste of taxpayer dollars.

Of course, Mr. President, giving firearms to convicted violent felons is more than a problem of wasted taxpayer dollars and misallocated ATF resources. It also threatens public safety.

The Violence Policy Center sampled 100 case files of those who had been granted relief. The study found that 41 percent had been convicted of a crime of violence, or a drug or firearms offense. The crimes of violence included several homicides, sexual assaults, and armed robberies.

Under the relief procedure, ATF officials are required to guess whether criminals like these can be entrusted with deadly weapons. Needless to say, it is a difficult task. Even after Bureau investigators spend long hours investigating a particular criminal, there is no way to know with any certainty whether he or she is still dangerous.

The law forces officials to make these types of guesses, knowing that a mistake could have tragic consequences for innocent Americans; consequences that could range from serious bodily injury to death.

What happens when convicted felons get their firearms rights back? Well, some apparently go back to their violent ways. Those granted relief subsequently have been rearrested for crimes ranging from attempted murder to rape, kidnapping, and child molestation.

Mr. President, this simply has got to stop.

In fact, Senator SIMON and I have been successful over the past three

years in securing language in the Treasury, Postal Service and General Government Appropriations Bill that prohibits the use of appropriated funds to implement the ATF relief procedure with respect to firearms. However, a funding ban is merely a stop-gap measure effective for one fiscal year. This bill would eliminate the relief procedure permanently. As we see it, Federal taxpayers should never be forced to pay a single cent to arm a felon.

I also would note that the existing funding ban applies only to firearm waivers. ATF still is allowed to provide waivers for convicted felons who want to possess or traffic in explosives. The waivers for explosives are not granted often, and seem to be less of a problem. But in light of the Oklahoma City bombing, how many Americans would want any of their tax dollars spent so that convicted felons can obtain explosives?

Mr. President, there is broad support for closing the guns for felons loophole. In 1992, the Constitution Subcommittee of the Judiciary Committee held a hearing on this matter. At that hearing, the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers all testified that these loopholes must be closed. In addition, I would note that both the New York Times and the Washington Post have editorialized on this matter.

Mr. President, I would like to take a moment and say a word to those who generally oppose gun control measures. I know that many Americans are very concerned about any effort that could lead to broad restrictions on guns. So I want to emphasize something: this is an anticriminal bill. And a pro-taxpayer bill. Law-abiding citizens have nothing to fear, and everything to gain from a prohibition on firearm possession by violent felons and serious drug offenders.

In conclusion, Mr. President, firearm violence has reached epidemic proportions. We have a responsibility to the victims and prospective victims to take all reasonable steps to keep this violence to a minimum. Keeping firearms away from convicted violent felons and serious drug offenders is the least these innocent Americans should be able to expect.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point, along with some related materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1068

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Arming Felons (SAFE) Act".

#### SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS AND EXPLOSIVES PROHIBITIONS.

(a) IN GENERAL.—(1) Section 925(c) of title 18, United States Code, is amended—



(A) in the first sentence by inserting "(other than a natural person)" before "who is prohibited";

(B) in the fourth sentence—

(i) by inserting "person (other than a natural person) who is a" before "licensed importer"; and

(ii) by striking "his" and inserting "the person's"; and

(C) in the fifth sentence, by inserting "(i) the name of the person, (ii) the disability with respect to which the relief is granted, (iii) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iv)" before "the reasons therefor".

(2) Section 845(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "may make application to the Secretary"; and

(B) in the second sentence by inserting "(other than a natural person)" before "who makes application for relief".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

### SEC. 3. PERMANENT FIREARM PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A)" after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the second sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following new subparagraph:

"(C) A conviction shall not be considered to be a conviction for purposes of this chapter if—

"(i) the conviction is reversed or set aside based on a determination that the conviction is invalid;

"(ii) the person has been pardoned, unless the authority that grants the pardon expressly states that the person may not ship, transport, possess, or receive firearms; or

"(iii) the person has had civil rights restored, or the conviction is expunged, and—

"(I) the authority that grants the restoration of civil rights or expungement expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person's record and reputation are such that the person is not likely to act in a manner that is dangerous to public safety, and that the granting of the relief is not contrary to the public interest; and

"(II) the conviction was for an offense other than a serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B))."

[From the Washington Post, Nov. 27, 1991]

#### \$4 MILLION A YEAR TO REARM FELONS

Congress, reluctant for so long to buck the National Rifle Association, has come to understand the importance of controlling firearms. Whether or not the measure becomes law this year, both houses have now voted for a waiting period before the purchase of a handgun, and the Senate was even willing to prohibit the sale of certain kinds of semi-automatic assault weapons. Another proposal to limit gun possession, first suggested

by the Washington-based Violence Policy Center, was offered too late for inclusion in the crime bill but will be introduced by its sponsors, Rep. Edward Feighan (D-Ohio) and Rep. Lawrence Smith (D-Fla.), when Congress returns in January.

By statute, the Treasury's Bureau of Alcohol, Tobacco and Firearms is required to process applications submitted by convicted felons seeking to have their right to own guns restored. In general, such individuals are prohibited from possessing, shipping, transporting or receiving firearms, but a special exception was created to allow the federal government to restore these rights in some circumstances. The loophole was created to save the Winchester Firearms Co.—whose parent company had been convicted in a kickback scheme—from bankruptcy. Unfortunately, the law is broad enough to encompass individuals who are found "not likely to act in a manner dangerous to public safety," and because special appellate rights have been granted to applicants who are turned down, BATF must take every application seriously and be able to justify every ruling.

How does a federal agency go about deciding which felons, of the 10,000 who have applied for restoration of gun rights, would constitute a danger to society if allowed to own a firearm? By full field investigations involving interviews with family, friends, neighbors and business associates of the applicant, by reviewing criminal records and parole histories and by relying on the expert judgment of professionals trained to assess an individual's potential for violence—if, indeed, that can be done. All this takes a great deal of time and costs the taxpayer about \$1 million a year.

The idea of the government's making a special effort to rearm convicted felons is difficult to fathom. The continued expenditure, in tight budget times, of millions of dollars to implement this program is impossible to justify. Both situations should be remedied by the passage of the Feighan-Smith bill early next year.

[From The Washington Post, Jul. 5, 1995]

#### OUT OF PRISON AND ARMED AGAIN.

The National Rifle Association showed its muscle last week during a House Appropriations subcommittee markup. As a result, Congress is now on track to restoring one of the most senseless programs ever to be foisted on the executive branch. It involves firearms and convicted felons, and contrary to all reason, members of Congress have now taken the first step toward putting the two together.

Federal law rightly bars convicted felons from possessing, shipping, transporting or receiving firearms or ammunition. It's one of the penalties, like losing the right to vote or run for office, imposed on people who commit serious crimes. But in the '60s a loophole was created allowing the secretary of the Treasury to lift this prohibition in cases in which the criminal was "not likely to act in a manner dangerous to public safety." The change was made to save the Winchester Firearms Co., whose parent corporation, Olin Mathieson, had pleaded guilty to felony kickback charges. Without the waiver, the gun company would have gone into bankruptcy. Unfortunately, individuals began applying to have their firearms rights restored, too. And nine years ago, the problem was exacerbated when Congress gave every dissatisfied applicant the right to challenge a denial in court.

The Bureau of Alcohol, Tobacco and Firearms is charged with implementing this program, and it was spending millions each year and assigning 40 agents full-time to do back-

ground checks on applicants. In 1992, however, Congress in effect ended the program by prohibiting the use of appropriated funds for that purpose. While the NRA likes to talk about the otherwise law-abiding stockbroker caught in a financial swindle and now cut off from his beloved hobby of deer hunting, the truth is that the rights restoration program regularly enabled violent offenders to rearm. A number were convicted of new gun crimes after their rights were restored.

Now the Treasury subcommittee of House Appropriations has voted to resurrect the program. This is nonsense. Even if felons are required to pay the cost of investigations themselves, even if violent criminals and gun offenders are excluded from the benefit, the whole idea of putting weapons in the hands of men and women who are serious offenders is irrational. It's hard enough these days to distinguish an ordinary citizen from a potential killer with a grudge. But people who have already been convicted of a felony are easy to identify. Why spend the government's time and money to restore such a person's right to arm himself to the teeth, when his track record affords legitimate reason to keep him away from weapons? The Appropriations subcommittee is off to a very bad start in this direction, and responsible forces on the Hill should see to it that the effort is deep-sixed.

Mr. SIMON. Mr. President, today I introduce the Stop Arming Felons Act [SAFE], a bill to correct dangerous Federal and State legislative loopholes which allow convicted felons to possess firearms.

Until Senator LAUTENBERG and I shut down funding for the Federal loophole in 1992, millions of taxpayers' dollars had been spent rearming felons. This money was spent because a 1965 gun control statute has required the Bureau of Alcohol, Tobacco and Firearms [BATF] to process gun ownership applications submitted by convicted felons. While in general the 1968 Gun Control Act prohibits persons convicted of crimes punishable by imprisonment for a term exceeding 1 year from possessing a firearm, this 1965 loophole allowed convicted felons to apply to BATF and petition for a waiver on the ground that the felon "will not be likely to act in a manner dangerous to public safety."

Certainly, this wasn't the intention of Congress when it passed the exemption in 1965. In fact, it was passed as a favor to the Winchester Firearms Co., whose parent organization had been found guilty of a kickback scheme. Without the amendment, the company would have gone bankrupt. In 1968, however, the language was expanded to allow individuals to apply.

According to the Washington Post, some 22,000 such applications for exemption by individuals were processed by BATF from 1986-91—at a taxpayer cost of approximately \$4 million a year. This means that from fiscal years 1985 to 1991, BATF spent well over \$20 million to investigate gun possession applications submitted by felons. Not only is the process costly, it's also very laborious. Because the applicants' eligibility is dependent upon the laws of the State where they were convicted, BATF agents must be familiar with 50

different statutes. Furthermore, many of the numerous applications for relief require a background check and an extensive investigation of the former felon. These time consuming, often tedious investigations are performed by agents who would otherwise be investigating violent crimes.

Senator LAUTENBERG and I have successfully shut down funding for the BATF Program since 1992 through the appropriations process. This year, however, a House subcommittee voted to lift the funding prohibition on a partyline vote. Fortunately, Congressman DURBIN and his Democratic colleagues successfully reinstated the prohibition at the full committee markup. It is time to put a permanent end to this program, or we risk getting into annual appropriations struggles over whether or not to spend money rearming felons. Indeed, when the House committee first agreed to revise the action of the subcommittee, they offered language which stated that there should be no assurance that the funding prohibition would be maintained in fiscal year 1997. Again, Congressman DURBIN successfully offered an amendment to strike that language.

When the House subcommittee voted to restore funding this year, Chairman LIGHTFOOT stated: "I don't see this as dangerous. Violent people won't apply in the first place." Similarly, an NRA spokesman claimed: "We're talking about individuals who may have run afoul of Federal law but paid their debt to society."

These statements are simply untrue. Running "afoul" of Federal law would be a huge understatement to describe many of the crimes committed by the felons who not only apply for relief, but who are actually granted waivers by the BATF under this program. For example, according to a 1992 Violence Policy Center study, out of a random sample of 100 applicants who were granted relief by the BATF, 11 originally were convicted of burglary, 17 were convicted of drug-related offenses, 8 were convicted of firearm violations, 5 were convicted of robbery, including 1 who committed armed robbery with a handgun, and 5 were convicted of sexual assault, including aggravated rape, sodomy, and child molestation. Here are some of the stories behind the numbers:

Jerome Sanford Brower was granted relief after pleading guilty to charges of conspiracy to transport explosives. He transported explosives to Libya and instructed Libyans in defusing explosive devices.

An applicant was granted relief in 1989 after serving 24 months for voluntary manslaughter after killing his cousin with a 16-gauge shotgun.

An applicant, granted relief in 1989, pleaded guilty to sexual abuse after assaulting his 14-year-old stepdaughter.

An applicant, granted relief in 1989, was convicted of armed robbery and served 18 months for robbing a K-Mart with a loaded .38 caliber revolver.

In addition to these examples, the numbers of applicants rejected also gives us insight into the types of felons who are applying to regain their right to carry a weapon. After conducting extensive investigations, the BATF may deny the applications of felons who will "be likely to act in a manner dangerous to public safety." Under this standard, the BATF found it necessary to deny 3,498, or approximately one-third of all applications, between 1981-91. In other words, BATF determined that almost 3,500 applicants might pose a threat to public safety.

Not only do violent felons apply to have their rights restored, but many commit crimes after their applications are approved by the BATF. Almost 5 percent of those felons granted relief in 1986 were rearrested by 1990. According to the Violence Policy Center's report, none of these recidivist crimes were white collar, but rather were violent crimes ranging from attempted murder, sexual assault, abduction-kidnapping, child molestation, drug trafficking, and illegal firearms possession.

Amazingly, an application for relief isn't always necessary: several States automatically restore gun privileges to felons upon the completion of their sentence. In other words, some States restore the civil rights, including their firearms rights, of convicted felons the minute they walk out of prison, or within several months of their release. Felons in these States need not even apply to BATF to get their firearms rights restored. This State loophole, in the words of a Justice Department official, is "the biggest problem" facing U.S. attorney's today.

Perhaps the most disturbing case of this type has been that of Idaho felon Baldemar Gomez. He had been convicted of second-degree murder, voluntary manslaughter and battery on a correctional officer. However, because Idaho was one of the States that automatically restored convicts' civil rights upon their release from prison, in the words of Assistant U.S. Attorney Kim Lindquist, "when Baldemar walked out of the penitentiary, someone could have been standing there and handed him a shotgun and it would have been entirely legal \* \* \*". In 1987, Gomez was rearrested during a drug raid and was convicted of violating the Gun Control Act by knowingly possessing a firearm after having been previously convicted of a crime punishable by imprisonment for a period of more than 1 year. However, this conviction was overturned by the U.S. Court of Appeals because of Idaho's automatic relief provision.

In response to the Gomez case, the Idaho legislature changed its law so that felons must wait 5 years after their sentence and then get State approval in order to own a firearm. Some States, however, still have laws which restore firearms rights to convicted felons without such review.

Fortunately, we can eliminate these dangerous loopholes by passing the

Stop Arming Felons Act [SAFe]. Our act can put a permanent end to the unnecessary expense of the BATF Program and put the agents at BATF back to work on the investigation of violent crimes—not convicted felons. Specifically, the bill would prohibit individuals, including felons and fugitives from Justice, from applying to BATF for firearms disability relief.

Furthermore, the SAFe Act would address the State loophole by prohibiting States from restoring firearm privileges to violent felons. Nonviolent felons may be granted a waiver, but only after the State has made an individualized determination that the person would not pose a threat to public safety.

How would this bill affect Illinois? Illinois law currently allows the State police to grant firearms privileges to nonviolent felons. Forcible—or violent—felons may not apply for relief. Because our proposed bill and the current Illinois firearm privilege restoration procedures are so similar, Illinois would benefit from this bill, because the residents of Illinois would no longer have to fund the BATF relief procedure through their taxes.

I feel confident that most of my colleagues will support this measure. While many of us have differed in the past over issues such as controlling assault weapons and passing a handgun waiting period, I think we can all agree that convicted felons should not be applying to the Federal Government for firearms relief at the taxpayers' expense—nor should violent felons be getting relief from the States. This is simply common sense. I urge all of my colleagues to join me in this effort.

#### ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Virginia [Mr. WARNER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 832

At the request of Mr. GRAHAM, the names of the Senator from Florida [Mr. MACK] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 832, a bill to require the Prospective Payment Assessment Commission to develop separate applicable percentage increases to ensure that medicare beneficiaries who receive services from medicare dependent hospitals receive the same quality of care and access to services as medicare

beneficiaries in other hospitals, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 1014

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1014, a bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

S. 1060

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1060, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

#### SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

#### AMENDMENTS SUBMITTED

#### LOBBYING DISCLOSURE ACT OF 1995

#### MCCAIN (AND COHEN) AMENDMENT NO. 1836

Mr. MCCAIN (for himself and Mr. COHEN) proposed an amendment to the bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph and insert in lieu thereof the following:

"Lobbying activities do not include grassroots lobbying communications or other

communications by volunteers who express their own views on an issue, but do include paid efforts, by the employees or contractors of a person who is otherwise required to register, to stimulate such communications in support of lobbying contacts by a registered lobbyist."

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "\$2,500" and insert "\$5,000".

On page 17, line 2, strike "\$5,000" and insert "\$10,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and"

On page 18, line 10, strike "\$5,000" and insert "\$10,000".

On page 18, line 19, strike "\$5,000" and insert "\$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 12, strike "\$2,500" and insert "\$5,000".

On page 21, line 17, strike "\$5,000" and insert "\$10,000".

On page 21, line 23, strike "the Director in such form as the Director may prescribe" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 22, line 6, strike "shall be in such form as the Director shall prescribe by regulation and"

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

"(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 25, line 24, strike subsection (e).

On page 31, line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

#### "SEC. 7. DISCLOSURE AND ENFORCEMENT.

"(a) The Director of the Office of Government Ethics shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act; and

"(2) after consultation with the Secretary of the Senate and the Clerk of the House of Representatives, develop common standards, rules, and procedures for compliance with this Act.

"(b) The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(2) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(3) ensure that the computer systems developed pursuant to paragraph (2) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

#### "SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line 2, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18.

On page 55, line 23, strike Section 20.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

#### "SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1997.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or

suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

“(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.”

#### MCCAIN AMENDMENT NO. 1837

Mr. MCCAIN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

#### SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) Redesignation.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) Effective Date.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

#### BROWN AMENDMENT NO. 1838

Mr. BROWN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place in the bill, insert the following:

#### SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (viii) by striking “or”; and  
(2) by striking clause (viii) and inserting the following:

“(viii) greater than \$1,000,000 but not more than \$5,000,000, or

“(ix) greater than \$5,000,000.”.

(b) Assets and Liabilities.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking “and”; and

(2) by striking subparagraph (G) and inserting the following:

“(G) greater than \$1,000,000 but not more than \$5,000,000;

“(H) greater than \$5,000,000 but not more than \$25,000,000;

“(I) greater than \$25,000,000 but not more than \$50,000,000; and

“(J) greater than \$50,000,000.”.

#### SIMPSON (AND OTHERS) AMENDMENT NO. 1839

Mr. SIMPSON (for himself, Mr. CRAIG, Mr. MURKOWSKI, Mr. KYL, Mr. FAIRCLOTH, Mr. ABRAHAM, Mr. GRAMS, Mr. NICKLES, Mr. LOTT, Mr. SHELBY, and Mr. COVERDELL) proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

#### SEC. . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

#### BROWN AMENDMENT NO. 1840

Mr. BROWN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

#### SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF \$1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds \$1,000,000.”.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5) and inserting “(5), and (8)”.

#### BROWN AMENDMENT NO. 1841

Mr. BROWN proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

#### SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

“(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.”

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking “and (5)” and inserting “(5), and (8)”.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

#### CRAIG AMENDMENT NO. 1842

Mr. CRAIG proposed an amendment to the bill, S. 1060, *supra*; as follows:

Strike all after the word “Sec.”, and insert the following:

#### . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) which engages in lobbying of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

#### LEVIN (AND McCONNELL) AMENDMENT NO. 1843

Mr. LEVIN (for himself and Mr. McCONNELL) proposed an amendment to the bill, S. 1060, *supra*; as follows:

Strike the text of the amendment and insert the following in lieu thereof:

On page 3, line 20, strike paragraph (E) and redesignate the following paragraphs accordingly.

On page 5, line 9, strike paragraph (5) and renumber accordingly.

On page 6, line 5, strike “Lobbying activities also include efforts to stimulate grassroots lobbying” and all that follows through the end of the paragraph.

On page 7, line 10, strike lines 10 through 21 and insert in lieu thereof “cense; or”

On page 8, line 11, strike “that is widely distributed to the public” and insert “that is distributed and made available to the public”.

On page 9, line 11, strike “a written request” and insert “an oral or written request”.

On page 13, line 15, strike “1 or more lobbying contacts”, and insert “more than one lobbying contact”.

On page 13, lines 17 and 18, strike “10 percent of the time engaged in the services provided by such individual to that client” and insert “20 percent of the time engaged in the services provided by such individual to that client over a six month period”.

On page 16, line 3, strike “30 days” and insert “45 days”.

On page 16, line 8, strike “the Office of Lobbying Registration and Public Disclosure” and insert “the Secretary of the Senate and the Clerk of the House of Representatives”.

On page 16, line 23, strike “\$2,500” and insert “\$5,000”.

On page 17, line 2, strike “\$5,000” and insert “\$20,000”.

On page 17, line 11, strike “shall be in such form as the Director shall prescribe by regulation and”.

On page 18, line 10, strike “\$5,000” and insert “\$10,000”.

On page 18, line 14, strike paragraph (B) and insert in lieu thereof the following:

“(B) in whole or in major part plans, supervises, or controls such lobbying activities.”

On page 18, line 19, strike “\$5,000” and insert “\$10,000”.

On page 20, line 18, strike “the Director” and insert “the Secretary of the Senate and the Clerk of the House of Representatives”.

On page 20, line 21, strike “30 days” and insert “45 days”.

On page 21, line 1, strike “the Office of Lobbying Registration and Public Disclosure” and insert “the Secretary of the Senate and the Clerk of the House of Representatives”.

On page 21, line 5, strike paragraph (2).

On page 22, line 5, strike “shall be in such form as the Director shall prescribe by regulation and”.

On page 22, line 18, strike “regulatory actions” and all that follows through the end of line 20 and insert in lieu thereof “executive branch actions”.

On page 22, line 21, strike “and commitments”.

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

“(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

“(1) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

“(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.

“(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).”

On page 24, line 23, strike subsection (d).

On page 25, line 24, strike subsection (e).

On page 31, strike line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

#### “SEC. 7. DISCLOSURE AND ENFORCEMENT.

“The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

"(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

"(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

#### **"SEC. 7. PENALTIES.**

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation."

On page 48, line 2, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18 and renumber accordingly.

On page 55, line 23, strike Section 20 and renumber accordingly.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

#### **"SEC. 22. EFFECTIVE DATES.**

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and re-

tain information filed or received before the effective date of such repeals and amendments."

#### **DOLE AMENDMENT NO. 1844**

Mr. MCCONNELL (for Mr. DOLE) proposed an amendment to the bill, S. 1060, *supra*; as follows:

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

#### **SEC. 11. REPORTS TO THE CONGRESS**

The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.

#### **DOLE (AND MCCAIN) AMENDMENT NO. 1845**

Mr. MCCONNELL (for Mr. DOLE, for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 1060, *supra*; as follows:

At the appropriate place, insert the following:

#### **SEC. . BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.**

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **COMMITTEE ON THE JUDICIARY**

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, July 24, 1995, at 2 p.m. to hold a hearing on "Cyberporn and Children: The Scope of the Problem, the State of the Technology and the Need for Congressional Action."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **ADDITIONAL STATEMENTS**

#### **BUDGET SCOREKEEPING REPORT**

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 21, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by \$20.9 billion in budget authority and \$2.0 billion in outlays. Current level is \$0.5 billion over the revenue floor in 1995 and below by \$9.5 billion over the 5 years 1995–1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$237.4 billion, \$3.7 billion below the maximum deficit amount for 1995 of \$241.0 billion.

Since my last report, dated July 11, 1995, Congress has cleared for the President's signature the 1995 emergency supplementals and rescissions bill (H.R. 1944). This action changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 24, 1995.

Hon. PETE DOMENICI,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through July 21, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 10, 1995, Congress has cleared for the President's signature the 1995 Emergency Supplementals and Rescissions bill (H.R. 1944). This action changed the current level of budget authority and outlays.

Sincerely,

JUNE E. O'NEILL.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JULY 21, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218) <sup>1</sup>	Current level <sup>2</sup>	Current level over/under resolution
<b>ON-BUDGET</b>			
Budget authority .....	1,238.7	1,217.8	-20.9
Outlays .....	1,217.6	1,215.6	-2.0
Revenues:			
1995 .....	977.7	978.2	0.5
1995-1999 .....	5,415.2	5,405.7	-9.5
Deficit .....	241.0	237.4	-3.7
Debt Subject to Limit .....	4,965.1	4,846.5	-118.6
<b>OFF-BUDGET</b>			
Social Security Outlays:			
1995 .....	287.6	287.5	-0.1
1995-1999 .....	1,562.6	1,562.6	( <sup>3</sup> )
Social Security Revenues:			
1995 .....	360.5	360.3	-0.2
1995-1999 .....	1,998.4	1,998.2	-0.2

<sup>1</sup> Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.<sup>2</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.<sup>3</sup> Less than \$50 million.

## THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS JULY 21, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
<b>Enacted in Previous Sessions</b>			
Revenues .....			978,466
Permanents and other spending legislation .....	750,307	706,236	
Appropriation legislation .....	738,096	757,783	
Offsetting receipts .....	-250,027	-250,027	
Total previously enacted .....	1,238,376	1,213,992	978,466
<b>Enacted this Session</b>			
1995 Emergency Supplementals and Rescissions Act (P.L. 104-6) .....	-3,386	-1,008	
Self-Employed Health Insurance Act (P.L. 104-7) .....			-248
Total enacted this session .....	-3,386	-1,008	-248
<b>Pending Signature</b>			
1995 Emergency Supplementals and Rescissions (H.R. 1444) .....	-15,286	-590	
<b>Entitlements and Mandatories</b>			
Budget resolution baseline estimates of appropriated entitlements other mandatory programs not yet enacted .....	-1,896	3,180	
Total Current Level <sup>1</sup> .....	1,217,807	1,215,574	978,218
Total Budget Resolution .....	1,238,744	1,217,605	977,700
Amount remaining:			
Under Budget Resolution .....	20,937	2,031	
Over Budget Resolution .....			518

<sup>1</sup> In accordance with the Budget Enforcement Act, the total does not include \$7,360 million in budget authority and \$7,885 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$841 million in budget authority and \$917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

## THE PASSING OF DR. SAMUEL L. BANKS

• Ms. MIKULSKI. Mr. President, on Wednesday, July 19, the children of Maryland lost a distinguished educator. African-Americans in Maryland lost an impassioned, tireless and eloquent leader. All of us who thirst for justice and equality lost an enormously distinguished champion. And, I lost a good friend.

I refer, Mr. President, to the passing of Baltimore's Dr. Samuel L. Banks. My relationship with Dr. Banks was one of long-standing, dating back to my earliest days as a grassroots organizer and community activist. Dr. Banks and I debated one another on many occasions. I always felt that we not only debated each other but delighted each other.

No community ever had a more persuasive, persistent and effective advocate than did Baltimore's African-American community in Dr. Banks. He had a rare and wonderful gift for language and communication. He never failed to awe me with his unique ability to express the most content-rich views in the most vivid of images.

Dr. Banks was a fighter for those left out and left behind. He was a mighty warrior for good. In an illustrious career of over 30 years as a teacher and Administrator in Baltimore City public schools, he implemented his vision of education as a tool of empowerment.

His loss is a deep tragedy for his family and friends. My condolences go out to all his loved ones. But his passing is also a tremendous loss for the children of Maryland. I wish we had a hundred—a thousand—Dr. Banks in Baltimore and in communities throughout Maryland and, indeed, the country. We desperately need more people with his dedication and vision.

So, all of us will miss him greatly. I hope, though, that when he entered the gates of Paradise, he was greeted by Martin Luther King, Jr., Sojourner Truth, Frederick Douglass and Mary McLeod Bethune. And wouldn't we all like to sit there and listen to that heavenly choir.

Mr. President, I would like to share with my colleagues an article and an editorial tribute from the Sun which sum up much of what made Dr. Samuel Banks such a remarkable figure, and ask that they be printed in the RECORD. The articles follow:

[From the Baltimore Sun, July 20, 1995]

## SAMUEL L. BANKS

Regular readers of this newspaper's letters to the editor knew Samuel L. Banks as an inveterate correspondent always ready to take on the powers-that-be with a rhetorical flourish that both enlightened and entertained.

Dr. Banks, who died Wednesday at 64, was for 36 years a teacher and administrator in the Baltimore City public schools. But it was through his innumerable letters to the editor, his feisty opinion-page pieces and his sometimes prolix prose that he became known to thousands of Marylanders as a tireless champion of equal opportunity.

Most people write letters to the editor to let off steam, express a personal opinion or simply for the thrill of seeing their name in print. The letters columns are a forum for all manner of complaints, grudges and passionate appeals as well as for the occasional gem of lucidity and sweet reason. A few people develop virtual second careers as letters column correspondents, vying with other letter writers and the newspaper's own staff members for pride of placement and frequency of publication.

For Dr. Banks, however, a letter to the editor or an opinion page article was a means to

an end, not an end in itself. He addressed the issues of the day not out of vanity but because he believed fervently that change would never come unless the status quo was challenged. He made it his business to do so as forcefully as possible. He wanted to wipe out every trace of bigotry and discrimination so that the nation might at last fulfill its historic promise of justice and equal opportunity for all.

Applying the dictum of old-time labor leader Sam Gompers—always demand more, more, more—Dr. Banks brought to his advocacy an unquenchable demand for improvement in the lives of his fellow African Americans. This newspaper was his special focus. He would rise in righteous fury against news stories or editorials he considered unfair to this constituency or his several causes. Yet when writers displayed what he regarded as greater sensitivity, he would dispense gentlemanly praise before launching into a lecture of what could be done better. He was one of our most persistent bed bugs, albeit a beneficent bed bug. We suspect that description would please him.

Dr. Banks' style often mimicked the stately cadences of a church sermon. But he was fond of spicing up his phrases with unusual and sometimes arcane words that lent his expressions a peculiar dignity and sly humor. He knew readers delighted in his seemingly inexhaustible stock of adjectives, which he piled atop one another.

Editors could pare words, phrases or whole paragraphs from his letters and still have more than enough left to fill the allotted space. Dr. Banks' vision of America and its possibilities was as generous as his use of words, and as wise.

SAMUEL BANKS, CHAMPION OF BLACK HISTORY,  
DIES—EDUCATOR WAS KNOWN FOR HIS LOVE  
OF WORDS

(By Joan Jacobson)

Samuel L. Banks, a Baltimore educator who was a connoisseur of the English language and a nationally known champion of African-American history, died suddenly yesterday at his home in Prince George's County. He was 64.

Dr. Banks was a teacher and administrator for 36 years, orchestrating one of the nation's first Afro-centric social studies curricula in city schools more than 20 years ago.

A history and social studies teacher who taught future mayor Kurt L. Schmoke at City College during the 1960s, Dr. Banks became a school administrator and national leader at writing history and social studies curricula.

A prolific writer—particularly for *The Sun*, *The Evening Sun* and the *Afro-American*—Dr. Banks excoriated the U.S. Supreme Court for its rulings against affirmative action and flayed the Republican-dominated Congress for what he believed was a racially biased "Contract with America."

In his writings, he was fond of using French phrases and quoting abolitionist-writer Frederick Douglass. He often sent readers to a dictionary to look up words. He used the word "Zeitgeist" in a July 14 letter to a *Sun* editor that arrived on the day of Dr. Banks' death.

Dr. Banks died yesterday morning after a routine day of work and an evening at home the day before, said his wife of 38 years, Elizabeth.

As she was waking up, Mrs. Banks said, she heard her husband take two heavy breaths and heard no breathing after that. She said she did not know the cause of death.

The news of Dr. Banks' death traveled quickly and with sadness through the Baltimore Education Department's North Avenue headquarters yesterday.

"It was awfully hard to break the news," said May Nicholson, associate superintendent for instruction, who informed the staff of the school system's department of compensatory and funded programs, which Dr. Banks directed.

"I asked them to carry on the legacy and think of all the contributions he made," she said.

Delores Powell, a secretary whose desk sits outside Dr. Banks' office, remembered him as a "sweet, gentle man" who took time out from his busy schedule to write recommendation letters to help her daughter get a college scholarship.

"It's a shock to everybody," she said. "I don't know a better word, but Dr. Banks would have a better word."

#### A WISE LEADER

Dr. Banks was "a wise leader in the school system and in the city of Baltimore," said Martin Gould, assistant superintendent for family and student support services. "He was a warm and supportive colleague from the first day I came on board here."

On Tuesday, said Dr. Gould, Dr. Banks appeared in good health, physically and mentally as he "consumed a 150-page document in a matter of hours" before discussing it in detail.

Mayor Schmoke, in a written statement, called Dr. Banks, "a leader in promoting multicultural education long before it became a fashionable topic for public discussion."

"I was a student of his at City College and through the years I found him to be a tough advocate with a kind heart, a person who will be greatly missed by his community," said Mr. Schmoke.

Dr. Banks had many other admirers as well.

"The world is a much lesser place without Dr. Banks," said Margie Ashe, a homemaker and writer, who became Dr. Banks' friend through the Association for the Study of Afro-American Life and History. "Dr. Banks was a gentleman. He was one of the most considerate human beings I have ever met."

The Woodlawn resident said she and Dr. Banks also had a mutual love for words.

"One of my major accomplishments was that I found a four-letter word that Dr. Banks didn't know. It was 'limn' which means to outline or describe something. I found it in a crossword puzzle. After I finally worked it out, I said, 'Did you know this one, Sam?' and he said no. He was famous for knowing all the words in the dictionary and using them."

Thousands of Marylanders who never met Dr. Banks knew him through his articles and letters to the editor of the *Sun* and the *Evening Sun*. Joseph R. L. Sterne, *Sun* editorial page editor, estimated that Dr. Banks wrote more letters to the editor than any other contributor during the last two decades.

#### MANY TOPICS

"He's been one of our most dedicated letter writers. His letters often were couched in formal language that led to some kinds of parody but also rang with a certain kind of dignity," said Mr. Sterne.

In his letters to the editor, Dr. Banks took on many topics—most dealing with the inequities he perceived toward African-Americans. For instance, in a letter that appeared in Saturday's paper, he criticized the Supreme Court decision against minority set-asides, saying the court "has placed its judicial imprimatur in a resuscitation of separate but unequal treatment for black citizens."

Yesterday, in what turned out to be his last communication with *The Sun*, Dr. Banks wrote of his "concern that so many in our society, young and adult, are bombarded

constantly with negativism failure, cynicism and alienation. This situation, I believe, weighs very heavily and disproportionately on children and youths given the Zeitgeist or spirit of the times."

In his letter to a *Sun* editor, Dr. Banks encouraged the newspaper to "highlight the experiences and successes of young people who are making vital, substantive and inspirational gains in spite of societal turbulence, apathy and ennui."

In the early 1980s, Dr. Banks was instrumental in leading a predominantly black boycott of the Baltimore *Sun* after a series of articles appeared in *The Evening Sun* that dealt with single-parent families.

But harsh criticisms were not limited to the Supreme Court, congress or the local newspaper.

In a recent interview, Dr. Banks ridiculed his boss, City School Superintendent Walter G. Amprey, for his unusually close relationship with the head of a private company hired to run several city schools.

Dr. Banks' wife said his prolific writing and strong opinions on education were fueled by "his care and concern for children. He believed in education. It was uppermost in his thoughts. He loved children."

Dr. Banks was educated in the Norfolk, Va., school system, received his undergraduate and master's degrees from Howard University in Washington and his doctorate in education from George Washington University, also in Washington.

He was a member of numerous organizations, including the National Council of History Standards and the NAACP. He taught Bible class at Walker Memorial Baptist Church in Washington.

Funeral arrangements were incomplete yesterday.

In addition to his wife, he is survived by two daughters, Gayle Banks Jones of Bowie and Allison Banks Holmes of Upper Marlboro; and three grandchildren.

#### BANKS' LETTERS TO THE EDITOR

For close readers of *The Sun* during the past quarter of a century, Samuel L. Banks was as familiar a fixture at the newspaper as any of its regular staff writers. His missives to *The Sun* were unceasing; it was not unusual for two or three of his letters to be published in the newspaper each month. "In the past 22 years that I've been on this job, we've had more Sam Banks' letters than any other letter writer by far," Joseph R. L. Sterne, *The Sun's* editorial page editor, said yesterday. "And yet being Sam Banks, if we discarded a few of his letters, he would be quick to put on pressure to get his letters into the paper."

If Mr. Banks' writing was often verbose and more than a bit preachy, it was also dignified, passionate and occasionally caustic. Below, a selection from his voluminous correspondence with this newspaper:

The [Joe] Smith case has reverberations far beyond College Park. The larger issue concerns an almost veritable disregard in predominantly white NCAA-affiliated colleges for black student-athletes. These black youths are simply seen as gladiators, especially in football and basketball, whose athletic talents and abilities bring huge profits to the institutions.—May 17, 1995.

Finally, I recall, as an undergraduate member of the debating team at Howard University, how the late Lewis Fenderson often cautioned us: "When you have the facts, argue the facts. When you don't have the facts, pound the table lustily."

Mr. Slepian's letter gave abundant evidence of the latter.—April 30, 1995.

It is a national scandal that, 31 years after the enactment of the 1964 Civil Rights Act, white males still make up 97 percent of senior managers in Fortune 1000 companies.—March 29, 1995.



The banal and wholly self-serving comments of Mr. Williams regarding his upbringing in South Carolina and the role of race represented a cruel and mindless transmutation of truth and reality.—Feb. 26, 1995.

The painting of graffiti outside the Knesset Israel Synagogue in Annapolis and a black-owned hair salon in Edgewater is a manifestation of a worrisome situation that goes far beyond the October Ku Klux Klan rally in Annapolis led by a group of rag-tag, venomous and obstreperous peddlers of hate, divisiveness and intolerance.

As has been true historically in our nation, the central problem remains the refusal of white Americans to accept the clear and present reality of racism.—Jan. 6, 1995.

Congressional Republicans' so-called "Contract with America" signals an intensification of hostility, racism and indifference to the socio-economic and educational needs of racial minorities and the poor.—Dec. 13, 1994.

The saga of Marion Barry is instructive and inspirational. He had fallen, through his visceral and worldly appetites, to the lowest point with his incarceration. Nonetheless, he paid his dues and bounced back. His incarnation provides a marvelous example to those in similar predicaments as to what can be achieved through faith in God, determination and staying power.—Nov. 2, 1994.●

#### SAMUEL L. BANKS

● Mr. SARBANES. Mr. President, I am proud to join with the Baltimore community and the friends of education throughout Maryland in honoring the memory of Dr. Samuel L. Banks who was a longtime champion of civil rights and education in our State.

Dr. Banks was an outspoken advocate for expanding educational opportunities and was particularly concerned in fostering the potential of Afro-American students. He was fervent in his pursuit for educational equality as was evidenced in his frequent contributions to the Baltimore Sun, both in letters to the editor and in the commentary section.

Most importantly, Dr. Banks was an extraordinarily well-read and learned person who displayed throughout his professional life intellectual excellence and personal generosity.

I extend my most sincere sympathies to Elizabeth, his wife, Gayle and Allison, his daughters, and to all of the family and friends of Samuel Banks. Mr. President, I ask that an editorial from the Baltimore Sun that pays homage to Dr. Banks be inserted in the RECORD as follows:

[From the Baltimore Sun, July 21, 1995]

SAMUEL L. BANKS

Regular readers of this newspaper's letters to the editor knew Samuel L. Banks as an inveterate correspondent always ready to take on the powers-that-be with rhetorical flourish that both enlightened and entertained.

Dr. Banks, who died Wednesday at 64, was for 36 years a teacher and administrator in the Baltimore City public schools. But it was through his innumerable letters to the editor, his feisty opinion-page pieces and his sometimes prolix prose that he became known to thousands of Marylanders as a tireless champion of equal opportunity.

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simply for the thrill of seeing their name in print. The letters columns are a forum for all manner of complaints, grudges and passionate appeals as well as for the occasional gem of lucidity and sweet reason. A few people develop virtual second careers as letters column correspondents, vying with other letter writers and the newspaper's own staff members for pride of placement and frequency of publication.

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#### KOREAN WAR VETERANS MEMORIAL

● Mr. ROCKEFELLER. Mr. President, I rise today to honor the 5.7 million service men and women who served our Nation during the Korean war. All too often, these individuals have been America's forgotten soldiers, having fought and died in what has been called the forgotten war.

With the dedication of the National Korean War Memorial on July 27, here in Washington, DC, the memory of the supreme effort that so many made will now be honored by future generations. Though we will never be able to express in mere words or stone the greatness of the deeds performed by our veterans in that war, the memorial will at least keep fresh the memories of our fathers and mothers, husbands and wives, and brothers and sisters who made the greatest of all sacrifices in that far-off land.

Today, over 37,000 veterans from the Korean war reside in West Virginia. One of those 37,000 is my friend Edmund Reel. I want to tell you his story because his experiences and actions speak far more eloquently about him

and his fellow veterans than I could hope to.

Edmund is from Moorefield, WV, where he is a retired command sergeant major after 28 years of service. He devotes all of his free time to major veterans' groups, helping his former comrades in arms.

Edmund arrived in Korea on August 25, 1950. Serving in Company M of the 8th Regiment of the 1st Cavalry, he saw action from Taegu to the Yalu. On November 1, he was captured by the Chinese. For the next 34 months, Edmund was a prisoner of war. Shuffled between North Korean and Chinese prison camps, he was subject to torture, hard labor, starvation, and constant beatings. Edmund remembers that one time, during a particularly brutal winter day, he was forced to stand on a hill for hours with a heavy rock above his head. During a day of hard labor, he fell in a deep hole, fracturing his back. North Korean officers offered him medical care if he would convert to communism and be used as a propaganda tool. Edmund refused. Though his body was broken, his will would never be. Despite his injury, Edmund was forced to continue hard labor, cutting logs and building bomb shelters. Many of Edmund's buddies never got out of those prison camps. He saw them die, as many as 35 a day, from starvation and sickness.

On August 24, 1953, Edmund was released and was soon headed home to the States and West Virginia.

His story is just one of many that make up the history of the American experience in Korea. He, like so many others, was sent to that distant country, joining with other soldiers from other allied nations in fighting a common, merciless aggressor. They knew the justness of their cause, democracy against totalitarianism.

The debt we owe to our Korean war veterans, like the veterans of other wars, is immeasurable. The memories of those young soldiers, sailors, and airmen who gave, in the words of Abraham Lincoln, that "last full measure of devotion," remain etched in our minds. Places such as Heartbreak Ridge, Inchon, and Chipyeong-ni will forever be hallowed ground where Americans gave their lives for freedom. They sacrificed so that a people they did not even know might remain free. In doing so, they ennobled themselves and our Nation. Those living and dead of the Korean war will always serve as examples of true Americans.●

#### ORDERS FOR TUESDAY, JULY 25, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, July 25, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate

then immediately begin consideration of S. 1061, the gift ban bill, as stated earlier, for the purposes of debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that immediately following the vote on passage of S. 1060, the lobbying bill, the Senate stand in recess until the hour of 2:15 p.m. for the weekly policy conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. LOTT. For the information of all Senators, under the previous order, the Senate will begin consideration of the gift ban bill at 9 a.m. tomorrow. Under the previous order, at 11, the Senate will resume consideration of the lobbying bill and complete action on that measure prior to the policy luncheons. Senators should therefore expect roll-call votes at approximately 12 noon on Tuesday.

## RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:41 p.m., recessed until Tuesday, July 25, 1995, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 24, 1995:

### EXECUTIVE OFFICE OF THE PRESIDENT

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE LAURA D'ANDREA TYSON.

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203, SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

### LINE

#### *To be lieutenant colonel*

VON S. BASHAY, 000-00-0000  
JILL C. COLLINS, 000-00-0000  
MICHAEL E. CRIDER, 000-00-0000  
THOMAS L. DAVIS, 000-00-0000  
JAMES W. FRESSE, 000-00-0000  
JAMES O. HALL, 000-00-0000  
STEVEN M. HERPEL, 000-00-0000  
ROBERT M. HESSELBEIN, 000-00-0000  
RICHARD E. HILL, 000-00-0000  
BRYON E. HUDDLESTON, 000-00-0000  
WILLIAM E. HUDSON, 000-00-0000  
GEORGE M. LAMBIRTH, 000-00-0000  
BRIAN D. LENZI, 000-00-0000  
SHAWN D. MACK, 000-00-0000  
JOHN O. MAEDKE, 000-00-0000  
DANIEL C. MCGINLEY, 000-00-0000  
GUNTHER H. NEUMANN, 000-00-0000  
MARK L. NOONAN, 000-00-0000  
MICHAEL W. RITZ, 000-00-0000  
DALE C. SINE, 000-00-0000  
ROBERT A. STEVENS, 000-00-0000  
CLYDE Y. TORIGOE, 000-00-0000  
SHELLEY J. WEISS, 000-00-0000  
DAVID A. WILLIAMS, 000-00-0000

### CHAPLAIN CORPS

#### *To be lieutenant colonel*

DONALD P. ROBERTS, 000-00-0000

### BIO MEDICAL SCIENCE CORPS

#### *To be lieutenant colonel*

JOSEPH R. PANZA, 000-00-0000

### MEDICAL CORPS

#### *To be lieutenant colonel*

BRUCE C. INMAN, 000-00-0000  
JOHN F. NOAK, 000-00-0000

### DENTAL CORPS

#### *To be lieutenant colonel*

JANICE L. ENGSTROM, 000-00-0000

### IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT EN-SIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

SCOTT A. AVERY, 000-00-0000  
EDDIE L. BUTLER, 000-00-0000  
BRIAN C. BLUE, 000-00-0000  
JOHN M. GRAF, 000-00-0000  
CHRISTOPHER S. HEWLETT, 000-00-0000  
ERIC J. HOLSTI, 000-00-0000  
CHARLES T. HUBBARD, 000-00-0000  
ANTHONY S. KELLY, 000-00-0000  
MARTIN J. SABEL, 000-00-0000  
MARCO A. TURNER, 000-00-0000  
AMY M. WITHEISER, 000-00-0000

### IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

#### *To be second lieutenant*

BRADLEY J. HARMS, 000-00-0000  
KRISTA E. LEE, 000-00-0000  
JEROME STEWART, 000-00-0000  
ARNOLD D. WEST, 000-00-0000

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

#### *To be second lieutenant*

JAMES A. DISIMONE, 000-00-0000  
ALFRED L. MILLER, 000-00-0000

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATE TO BE APPOINTED PERMANENT SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

### NAVAL ACADEMY GRADUATE

#### *To be second lieutenant*

JOSEPH T. KRAUSE, 000-00-0000

THE FOLLOWING-NAMED LIEUTENANT COLONELS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF COLONEL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

CHARLES H. ALLEN, 000-00-0000  
PAUL E. BECKHART, 000-00-0000  
GERARD J. BOYLE, 000-00-0000  
WILLIAM F. COLLOPY, 000-00-0000  
JAMES A. COOK, 000-00-0000  
VICTOR T. CRONAUER, 000-00-0000  
JAMES E. DAVIS, 000-00-0000  
STEVE A. EDDINGTON, 000-00-0000  
STEVEN P. EVANKO, 000-00-0000  
JAMES C. FORNEY, 000-00-0000  
HILTON O. GARNES, JR., 000-00-0000  
RICHARD W. GITTINGS, 000-00-0000  
DAVID A. GROVES, 000-00-0000  
CLINTON L. HUBBARD III, 000-00-0000  
JAMES A. HUMENIK, 000-00-0000  
JOSEPH T. KIRINCICH, 000-00-0000  
JAMES M. LANAHAN, 000-00-0000  
JAMES R. MCINTOSH, 000-00-0000  
STEVEN E. MCKINLEY, 000-00-0000  
PAUL MELSHEN, 000-00-0000  
JIMMY L. MITCHELL, 000-00-0000  
STEVEN M. MUTZIG, 000-00-0000  
MICHAEL E. NUNNALLY, 000-00-0000  
THOMAS Q. OHARA, 000-00-0000  
RICHARD F. PIASECKI, 000-00-0000  
ROBERT P. RACLAU, 000-00-0000  
MARK S. RILEY, 000-00-0000  
FRANCIS X. RYAN, 000-00-0000  
LARRY V. SHEPHERD, 000-00-0000  
DOUGLAS M. STONE, 000-00-0000  
FRANK M. THOMPSON, VI, 000-00-0000  
JEFFREY C. TUOMALA, 000-00-0000  
LARRY O. WELLS, 000-00-0000  
RONALD F. WNEK, 000-00-0000  
ROBERT J. WOMACK, 000-00-0000

### IN THE NAVY

THE FOLLOWING-NAMED OFFICERS OF THE RESERVE FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10, U.S.C.

### MEDICAL CORPS

#### *To be captain*

GLENN M. AMUNDSON, 000-00-0000  
THOMAS G. ANDERSON, JR., 000-00-0000

JOHN A. BALACKI, 000-00-0000  
JUAN R. BARALT, 000-00-0000  
TODD L. BEEL, 000-00-0000  
GARY L. BIESECKER, 000-00-0000  
MARILYN BOITANO, 000-00-0000  
JOHN G. BRADY, 000-00-0000  
WILLARDLEON CHAMBERLIN, 000-00-0000  
JUDY L. CHAMPAIGN, 000-00-0000  
HENRY CHANG, 000-00-0000  
GARY J. CONNER, 000-00-0000  
DAVID J. DAVIS, 000-00-0000  
DEBORAH J. EVANS, 000-00-0000  
GREGORY J. FIRMAN, 000-00-0000  
THOMAS J. GELLER, 000-00-0000  
TED D. GROSHONG, 000-00-0000  
WILLIAM F. HANING III, 000-00-0000  
LEE C. HARKER, 000-00-0000  
ALFRED L. HARKLEY, 000-00-0000  
ARTHUR C. HAYES, 000-00-0000  
JOHN S. HUGHES, 000-00-0000  
KATHRYN L. JOHNSON, 000-00-0000  
ALLAN L.A. KAMINSKY, 000-00-0000  
ARTHUR J. KELLEHER, 000-00-0000  
JOAN C. KISHEL, 000-00-0000  
GREGORY P. KNISS, 000-00-0000  
PETER S. KONCHAK, 000-00-0000  
DAVID L. LARSON, 000-00-0000  
RANDOLPH C. LESTER, 000-00-0000  
CAYETANO A. LOPEZCEPERO, 000-00-0000  
GAMALIEL G. LOTUACO, 000-00-0000  
DAVID L. LOUWSMA, 000-00-0000  
GREGORY G. MARINO, 000-00-0000  
JAMES P. MARRA, 000-00-0000  
CLAUDE L. MCFARLANE, 000-00-0000  
PETER T. MELLIS, 000-00-0000  
STEPHEN A. MEYERS, 000-00-0000  
STEPHEN A. MITCHELL, 000-00-0000  
MIMS G. OCHSNER, JR., 000-00-0000  
RALPH P. ORLANDO, 000-00-0000  
HENRY A. OSTER, 000-00-0000  
LEONARD A. PARKER, JR., 000-00-0000  
ROBERT C. PARKER, 000-00-0000  
JOSEPH D. PIORKOWSKI, 000-00-0000  
JOE B. PUTNAM, JR., 000-00-0000  
HAROLD B. REEDER, 000-00-0000  
FRANK P. REYNOLDS, 000-00-0000  
JEROME J. ROCHE, 000-00-0000  
GREGORY J. RUMORE, 000-00-0000  
THEODORE J. SANFORD, 000-00-0000  
FREDERICK B. SHANNON, 000-00-0000  
FRANCIS J. SINCOX, JR., 000-00-0000  
JAROSLAW P. STULC, 000-00-0000  
ANNE H. TROBAUGH, 000-00-0000  
DAVID H. VANDYKE, 000-00-0000  
WILLIAM G. WAGNON, 000-00-0000  
RICK S. WEISSER, 000-00-0000  
GERALD L. WILKS, 000-00-0000  
FREELAND L. WILLIAMS, II, 000-00-0000  
DONALD V. WILSON, 000-00-0000  
ROBERT M. WIPRUD, 000-00-0000  
VICKY L.T. YBANEZ, 000-00-0000

### DENTAL CORPS

#### *To be captain*

RONNIE W. ARRINGTON, 000-00-0000  
RICHARD M. DIBELLA, 000-00-0000  
DAVID J. HIBL, 000-00-0000  
KENNETH E. LANDRY, 000-00-0000  
MICHAEL L. MIDDLEBROOKS, 000-00-0000  
BRETT C. MILLER, 000-00-0000  
THOMAS J. OLINGER, 000-00-0000  
STEVEN J. SANTUCCI, 000-00-0000  
WILLIAM W. SCHELL, III, 000-00-0000  
WILLIAM M. STRUNK, II, 000-00-0000  
RICHARD M. SUNSERI, 000-00-0000

### MEDICAL SERVICE CORPS

#### *To be captain*

NANCY L. BOSSHARD, 000-00-0000  
ROBIN B. BROWN, JR., 000-00-0000  
THOMAS A. COLP, 000-00-0000  
SCOTT GREGERSEN, 000-00-0000  
GRETCHEN D. LAMBERTH, 000-00-0000  
JAMES R. LOVERING, 000-00-0000  
JOHN T. PIERCE, 000-00-0000  
JERRY L. PRICE, 000-00-0000  
DAVID A. ROSENBLUM, 000-00-0000  
LEE E. SIMON, 000-00-0000  
THOMAS A. STOECKEL, 000-00-0000  
GARY L. STOKES, 000-00-0000  
GEORGE E. STRUDGEON, JR., 000-00-0000  
ROBERT E. TITCOMB, 000-00-0000  
DANNY WEDDING, 000-00-0000

### JUDGE ADVOCATE GENERAL'S CORPS

#### *To be captain*

RICHARD C. ADAMSON, 000-00-0000  
ROGER B. ATKINS, 000-00-0000  
JOSEPH C. BILLINGS, 000-00-0000  
LAWRENCE B. BRENNAN, 000-00-0000  
PHILLIPS B. CARPENTER, 000-00-0000  
CLARENCE W. COUNTS, JR., 000-00-0000  
EARL F. DEWEY, II, 000-00-0000  
EDWARD R. DYSON, 000-00-0000  
ALLAN F. ELMORE, 000-00-0000  
NORTON C. JOERG, 000-00-0000  
STEVEN B. KANTROWITZ, 000-00-0000  
LOUISE R. KENDLE, 000-00-0000  
DAVID D. LENNON, 000-00-0000  
LARRY D. MARTIN, 000-00-0000  
JERRY D. MASSIE, 000-00-0000  
CHARLES P. NICHOLS, JR., 000-00-0000  
DAVID T. PATTERSON, 000-00-0000  
RICKIE L. PEARSON, 000-00-0000

ROBERT C. SEIGER, JR., 000-00-0000  
SAMUEL F. WRIGHT, 000-00-0000

#### NURSE CORPS

##### *To be captain*

SUSAN E. BROOKER, 000-00-0000  
MARGARET J. BUTLER, 000-00-0000  
ANNE M. CHONKA, 000-00-0000  
REBECCA A. COX, 000-00-0000  
DORLEE D. KINGEN, 000-00-0000  
ANN C. McDERMOTT, 000-00-0000  
CYNTHIA M. RUNNER, 000-00-0000

#### SUPPLY CORPS

##### *To be captain*

CRAIG M. BENSON, 000-00-0000  
JOHN T. BENTE, 000-00-0000  
PAUL H. BRENNER, 000-00-0000  
WILLIAM L. CREEDON, 000-00-0000  
CHRISTOPHER B. DALY, 000-00-0000  
THOMAS J. DEBENEDETTO, 000-00-0000  
CHARLES C. DRISCOLL, 000-00-0000  
HUGH H. DUBOSE, JR., 000-00-0000  
DAVID F. ENGLISH, 000-00-0000  
DOUGLAS E. ETTUS, 000-00-0000  
MICHAEL P. FITZGERALD, 000-00-0000  
JULIUS GOSTEL, JR., 000-00-0000  
ROBERT C. HAACK, 000-00-0000  
ROBERT C. HENDRICKSON, III, 000-00-0000  
TIMOTHY A. KENYON, 000-00-0000  
PAUL V. KONKA, 000-00-0000  
ENIOTH E. LETLOW, JR., 000-00-0000  
PHILLIP H. MCGAVIN, 000-00-0000  
RICHARD A. MORRISSETT, 000-00-0000  
STEPHEN G. MORROW, 000-00-0000  
PETER L. MULLEN, 000-00-0000  
JAMES C. MURPHY, 000-00-0000  
PATRICK M. ODAY, 000-00-0000  
HENRY B. TOMLIN III, 000-00-0000  
MICHAEL G. WILLIAMS, 000-00-0000  
RICHARD B. WILSON, 000-00-0000

#### SUPPLY CORPS (TAR)

##### *To be captain*

EDWARD J. HORRES, 000-00-0000  
JOSEPH S. THORNBURY, 000-00-0000

#### CHAPLAIN CORPS

##### *To be captain*

RONALD K. AUSTIN, 000-00-0000  
RONNIE C. BROOKS, 000-00-0000  
JOHN S. CREWS, 000-00-0000  
GEORGE C. GOODMAN, 000-00-0000  
JAMES C. MOULKETTIS, 000-00-0000  
JOHN J. ONEILL, 000-00-0000

#### CIVIL ENGINEER CORPS

##### *To be captain*

RAYMOND K. ALEXANDER, 000-00-0000  
DOUGLAS K. AULT, 000-00-0000  
BERNARD C. BAILEY, 000-00-0000  
LAWRENCE A. CURTIS, 000-00-0000  
LARRY R. GIVENS, 000-00-0000  
RICHARD D. KINARD, 000-00-0000  
CHARLES A. KLIMMEK, 000-00-0000  
CARL E. MILLER, JR., 000-00-0000  
JOHN F. NESBITT, 000-00-0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS OF THE RESERVE  
FOR PROMOTION TO THE GRADE INDICATED IN THE U.S.  
NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10,  
U.S.C.

#### MEDICAL CORPS

##### *To be commander*

RICHARD J. ALIOTO, 000-00-0000  
STEPHEN C. ALLIN, 000-00-0000  
SANDRA A. ALMEIDA, 000-00-0000  
PETER E. AMATO, 000-00-0000  
DERYK L. ANDERSON, 000-00-0000  
STEPHEN BACKMAN, 000-00-0000  
STEVE D. BARNES, 000-00-0000  
BRUCE A. BARRON, 000-00-0000  
MARK R. BATEMAN, 000-00-0000  
MARTIN F. BELL, 000-00-0000  
BLAIR A. BERGEN, 000-00-0000  
BRAD A. BERNSTEIN, 000-00-0000  
JAMES L. BLAIR, 000-00-0000  
RICHARD J. BOEHME, 000-00-0000  
EDWARD BOLGIANO, 000-00-0000  
BRUCE B. BOSWELL, 000-00-0000  
DONALD P. BRANNAN, 000-00-0000  
JOHN D. BRINKMAN, 000-00-0000  
FRANK B. CALHOUN, 000-00-0000  
SALVATORE R. CAMPO, JR., 000-00-0000  
JOHN M. CASTELLANO, 000-00-0000  
GEORGE W. CHRISTY, 000-00-0000  
MARK M. CHUNG, 000-00-0000  
CHARLES A. CICCONE, 000-00-0000  
ROBERT R. COLEMAN, 000-00-0000  
MARK A. COLQUITT, 000-00-0000  
JOHN V. CONTE, JR., 000-00-0000  
MICHAEL C. CRISMAIL, 000-00-0000  
GREGORY G. DEGNAN, 000-00-0000  
FRANCIS X. DELVECCHIO, 000-00-0000  
DONALD W. EDGERLY, 000-00-0000  
KENNETH K. ENG, 000-00-0000  
GERRY D. EZELL, 000-00-0000  
JEROME P. FAIRCHILD, 000-00-0000

NASSER A. FARR, 000-00-0000  
LINDA P. FLORES, 000-00-0000  
ALAN I. FRANKFURT, 000-00-0000  
PAUL R. GARVER, 000-00-0000  
DAVID T. GREENFIELD, 000-00-0000  
DALE W. GREENWOOD, 000-00-0000  
GLENN I. HANANOUCHE, 000-00-0000  
GERALD B. HAYES, 000-00-0000  
JOHN W. HILL, 000-00-0000  
CHARLES L. HORNBAKER, 000-00-0000  
DANIEL D. HOUSSIERE, 000-00-0000  
BRUCE A. HOUTCHENS, 000-00-0000  
STEVEN HUGHES, 000-00-0000  
JAMES M. JAEGER, 000-00-0000  
JAMES M. JOCHUM, 000-00-0000  
ROBERT H. KENNEDY, 000-00-0000  
ROBERT B. KERR, 000-00-0000  
ROBERT K. KIEHN, 000-00-0000  
NIR KOSSOVSKY, 000-00-0000  
THOMAS M. KUNCIK, 000-00-0000  
HAROLD I. LAROCHE, 000-00-0000  
JOHN J. LEE, 000-00-0000  
MICHAEL K. LEONI, 000-00-0000  
PETER V. LEONI, 000-00-0000  
REENA A. LEWIS, 000-00-0000  
VAUGHN G. MARSHALL, 000-00-0000  
MARTIN L. MATHIESEN, 000-00-0000  
WILLIAM MC ALLISTER, 000-00-0000  
HARRY C. McDONALD, 000-00-0000  
KATHLEEN A. MCGOWAN, 000-00-0000  
ALEXANDER MOLDANADO, 000-00-0000  
MARTIN MORSE, 000-00-0000  
JAMES P. MURPHY, 000-00-0000  
LYLE C. MYERS, 000-00-0000  
CHIEH NGUYEN, 000-00-0000  
JOHN H. NORDEEN, 000-00-0000  
DAVID W. NUTTER, 000-00-0000  
KAYE K. OWEN, 000-00-0000  
BRIAN L. PARTRIDGE, 000-00-0000  
DENNIS J. PATIN, 000-00-0000  
EUGENE P. PODRAZIK, 000-00-0000  
YVONNE F. POSEY, 000-00-0000  
IGNACIO PRATS, 000-00-0000  
EFREN E. RECTO, 000-00-0000  
JAMES H. REES, 000-00-0000  
PERRY K. RICHARDSON, 000-00-0000  
LINDA M. RIDDICK, 000-00-0000  
NICANOR F. RODRIGUEZ, 000-00-0000  
JULIAN F. ROSE, 000-00-0000  
RICHARD L. ROSSEAU, 000-00-0000  
RICHARD ROTHFLEISCH, 000-00-0000  
CARLOS E. RUBIO, 000-00-0000  
NORMAN R. SANDERS, 000-00-0000  
ALAN L. SCHILLER, 000-00-0000  
DEAN T. SCOW, 000-00-0000  
STEPHEN L. SELDON, 000-00-0000  
JOHN T. SENKO, 000-00-0000  
CHARLES F. SHAEFER, 000-00-0000  
TIMOTHY M. SHERRY, 000-00-0000  
WILLIAM J. SKELLY, 000-00-0000  
WILLIAM F. SPILLANE, 000-00-0000  
SCOTT L. STAFFORD, 000-00-0000  
KEITH R. STEPHENSON, 000-00-0000  
WENDELL STREET, 000-00-0000  
EDWARD W. STVILLE, 000-00-0000  
EMILIO SUAREZ, 000-00-0000  
BRIAN C. SVAZAS, 000-00-0000  
FRANKLIN T. THOM, 000-00-0000  
CHARLES A. THOMPSON, 000-00-0000  
WILLIAM G. THOMPSON, 000-00-0000  
JAMES E. TURK, 000-00-0000  
GEORGE R. VOUGARAKIS, 000-00-0000  
JON C. WALSH, 000-00-0000  
MARK S. WALTON, 000-00-0000  
JAMES B. WATERS, 000-00-0000  
CHRISTOPHER J. WENDELL, 000-00-0000  
HARRY T. WHELAN, 000-00-0000  
VALERIE J. WHITE, 000-00-0000  
JOSEPH A. WIECK, 000-00-0000  
MICHAEL WIESE, 000-00-0000  
GEORGE A. WILLIAMS, 000-00-0000  
JOHN M. WILLIAMS, 000-00-0000  
SONESEERE A. WILSON, 000-00-0000  
FRANK E. WITTER, 000-00-0000  
TERRENCE C. WONG, 000-00-0000

#### DENTAL CORPS

##### *To be commander*

JOHN A. BATTLE, III, 000-00-0000  
THOMAS D. BRANT, 000-00-0000  
PAUL R. BROSY, 000-00-0000  
ROBERT J. CARTER, 000-00-0000  
PRISCILLA B. COE, 000-00-0000  
DAVID W. CROUTHAMEL, 000-00-0000  
TERESA L. DOYLE, 000-00-0000  
CARL F. ERCK, 000-00-0000  
JOHN C. ERLANDSON, 000-00-0000  
WILLIAM F. FISCHER, 000-00-0000  
JAMES H. GHERARDINI, JR., 000-00-0000  
RICHARD M. GRASSMYER, 000-00-0000  
RICHARD L. HAMILTON, 000-00-0000  
JAMES A. HAYDU, 000-00-0000  
PHILIP L. HOOTON, 000-00-0000  
JAMES G. HUPP, 000-00-0000  
JOHN K. JONES, 000-00-0000  
JAMES E. KELLEY, 000-00-0000  
TONY LEBAR, 000-00-0000  
RICHARD L. MATTEOLI, 000-00-0000  
TERENCE E. MCHUGH, 000-00-0000  
CRAIG L. MEADOWS, 000-00-0000  
STEPHEN P. MURRELL, 000-00-0000  
WANG S. OHM, 000-00-0000  
THOMAS C. PATTON, 000-00-0000  
THOMAS E. PORCH, 000-00-0000  
JOHN R. SCHUSTER, 000-00-0000  
EUGENE M. SIDICK, 000-00-0000

FENN H. WELCH, 000-00-0000

#### MEDICAL SERVICE CORPS

##### *To be commander*

ALBERT L. ASPER, 000-00-0000  
LEO C. BAKALARSKI, 000-00-0000  
MICHAEL R.S. BALL, 000-00-0000  
RANDY S. BRINKMANN, 000-00-0000  
MARK J. BROSTOFF, 000-00-0000  
JERROLD T. BUSHBERG, 000-00-0000  
EDWARD C. CALIX, 000-00-0000  
GWENDOLYN L. CARR, 000-00-0000  
DOUGLAS C. DELLINGER, 000-00-0000  
ELIZABETH J. EMISON, 000-00-0000  
TRACY A.D. FOX, 000-00-0000  
GARY L. FRECH, 000-00-0000  
GREGORY L. KEARNS, 000-00-0000  
DENNIS A. KELLY, 000-00-0000  
HUGH S. KROELL, JR., 000-00-0000  
MARK A. D. LONG, 000-00-0000  
THOMAS J. MAYE, 000-00-0000  
ERIC G. MCQUEEN, 000-00-0000  
MARY N. MOON, 000-00-0000  
ELLEN J. ONEILL, 000-00-0000  
TIMOTHY J. PARDUE, 000-00-0000  
ROGER J. RATH, 000-00-0000  
JOHN K. REZEN, 000-00-0000  
ROBERT A. SHARP, 000-00-0000  
ROBERT L. VERNON, 000-00-0000  
HARRY WATERS, JR., 000-00-0000  
BRENDA L. WILLIAMS, 000-00-0000  
KEITH N. WOLFE, 000-00-0000

#### JUDGE ADVOCATE GENERAL'S CORPS

##### *To be commander*

JAMES A. BACKSTROM, JR., 000-00-0000  
STEPHEN A. BEVERLY, 000-00-0000  
ROBERT C. BLAKE, 000-00-0000  
BRUCE H. BOKONY, 000-00-0000  
WILLIAM L. BOULDEN, 000-00-0000  
MICHAEL J. CATANESE, 000-00-0000  
JOHN R. CHEMA, 000-00-0000  
GERALD J. COYNE, 000-00-0000  
IVAN DOMINGUEZ, 000-00-0000  
JAMES C. FUNK, 000-00-0000  
PAUL M. GAMBLE, 000-00-0000  
GEORGE N. HARDESTY, JR., 000-00-0000  
WAYNE L. JOHNSON, 000-00-0000  
JOHN D. LAUTERMILCH, 000-00-0000  
PATRICIA A. LEONARD, 000-00-0000  
PAMELA L. MCLUNE, 000-00-0000  
BARBARA S. ODEGAARD, 000-00-0000  
FRANK W. OSTRANDER, 000-00-0000  
DONALD W. PEARCY, 000-00-0000  
PRESCOTT L. PRINCE, 000-00-0000  
DALE A. RAYMOND, 000-00-0000  
RONALD G. RESS, 000-00-0000  
DAVID A. SAMUELS, 000-00-0000  
RICHARD J. SCAPPINI, 000-00-0000  
JARED H. SILBERMAN, 000-00-0000  
CHARLES C. SMITH, 000-00-0000  
FRANKLIN S. SPEARS, JR., 000-00-0000  
BRIAN T. WALSH, 000-00-0000  
JAMES G. WEINMEYER, 000-00-0000  
MARIAN C. WELLS, 000-00-0000  
ARTHUR E. WHITE, JR., 000-00-0000  
STEPHEN B. WHITE, 000-00-0000  
BRIAN G. YONISH, 000-00-0000

#### NURSE CORPS

##### *To be commander*

MARK M. ABRAMS, 000-00-0000  
ANNE M. ADAMOWICZ, 000-00-0000  
MARTINEZ M.F. ALLAN, 000-00-0000  
LINDA A. ANDERSON, 000-00-0000  
DONNA C. ARCADIPANE, 000-00-0000  
MARJORIE L. BAUMRUCKER, 000-00-0000  
SUSAN R. BAZEMORE, 000-00-0000  
LAURIE A. BERGERON, 000-00-0000  
MARLANE BETTAG, 000-00-0000  
MARY S. BLOSE, 000-00-0000  
DORIS J. BRAUNBECK, 000-00-0000  
SEBASTIAN M. BROWN, 000-00-0000  
MARIA D. BURKE, 000-00-0000  
VICTORIA A. CALLIHAN, 000-00-0000  
SUSAN J. CAMUS, 000-00-0000  
PEGGY J. CASTOR, 000-00-0000  
KERRY H. CHEEVER, 000-00-0000  
KATHERINE B. CHRISTIE, 000-00-0000  
DONNA M. CIGGA, 000-00-0000  
WARREN G. CLARK, 000-00-0000  
LYDIA COMPANION, 000-00-0000  
LINDA M. DETRING, 000-00-0000  
BETH A. DICKINSON, 000-00-0000  
CYNTHIA A. DIOLOA, 000-00-0000  
JAN B. DILLER, 000-00-0000  
JODY W. DONEHOO, 000-00-0000  
CAROL M. DRISCOLL, 000-00-0000  
TERESA A. ENGLUND, 000-00-0000  
ANNETTE L. FARAONE, 000-00-0000  
JOANN K. FETGATTER, 000-00-0000  
KATHARINE B. FOSS, 000-00-0000  
PAMELA J. FREEMAN, 000-00-0000  
TIMOTHY B. FULGHUM, 000-00-0000  
ADELINA GAGEKILLY, 000-00-0000  
SARAH L. GRAHAM, 000-00-0000  
CATHERINE R. HANSEN, 000-00-0000  
MAUREEN A. HARDENLOZIER, 000-00-0000  
JUDY L. HARRIS, 000-00-0000  
LISA A. HARRIS, 000-00-0000  
KATHLEEN A. HASS, 000-00-0000  
CATHERINE L. HAWLEY, 000-00-0000  
LAURA M. HEINZMAN, 000-00-0000  
DONNA M. HENDEL, 000-00-0000

NANCY A. HOFFMAN, 000-00-0000  
 SHARON P. IGNAT, 000-00-0000  
 ANITA L. JACKSON, 000-00-0000  
 MICHAEL C. JACKSON, 000-00-0000  
 SUSANA P. JUAREZLEAL, 000-00-0000  
 MAUREEN W. JUDGE, 000-00-0000  
 DONNA L. KAHN, 000-00-0000  
 REBECCA D. KILLOREN, 000-00-0000  
 VICTORIA M. KOZUB, 000-00-0000  
 SHEILA F. C. LANG, 000-00-0000  
 PAMELA N. LANPHERE, 000-00-0000  
 SHIRLEY A. W. LAWSON, 000-00-0000  
 KATHLEEN C. LEOPFLER, 000-00-0000  
 DEBRA L. LUEGENBIEHL, 000-00-0000  
 DENNIS J. MANCINELLI, 000-00-0000  
 MARTHA H. MCCARTHY, 000-00-0000  
 JOANNA MCCUNE, 000-00-0000  
 VIRGINIA S. MCGINN, 000-00-0000  
 ROBERT MCMAHON, 000-00-0000  
 MARY M. MORINLEIDIG, 000-00-0000  
 ROSANNE MURPHY, 000-00-0000  
 KIM M. O'DONNELL, 000-00-0000  
 BETTY L. OROURKE, 000-00-0000  
 ANGELA S. PALOMO, 000-00-0000  
 SUSAN M. PANKO, 000-00-0000  
 JULIE A. PEARSON, 000-00-0000  
 ETHEL E. PRUDEN, 000-00-0000  
 VAUNE F. RASKOPF, 000-00-0000  
 PAUL F. RAUSCHER, 000-00-0000  
 JENNINE T. RYBARCZYK, 000-00-0000  
 PAUL B. SCHAEFFER, 000-00-0000  
 MARY A. SCHETTER, 000-00-0000  
 MICHAEL F. SHANNON, 000-00-0000  
 LYNNE A. SHIRA, 000-00-0000  
 RENEE LYNETTE SIMMONSBEVER, 000-00-0000  
 ELIZABETH A. SLEAR, 000-00-0000  
 PAULA L. SLETTEN, 000-00-0000  
 GAIL A. SMITH, 000-00-0000  
 ELIZABETH J. SOMERS, 000-00-0000  
 CHARLES E. STEWART, JR., 000-00-0000  
 KIMBERLY E. W. SWANEY, 000-00-0000  
 KAREN A. SWANSON, 000-00-0000  
 SHARON D. THOMPSON, 000-00-0000  
 KATHLEEN G. THORP, 000-00-0000  
 JUDITH D. VALENTINE, 000-00-0000  
 KIM L. O VOTH, 000-00-0000  
 MARTHA J. WARD, 000-00-0000  
 LORI WILSON HOPKINS, 000-00-0000  
 ELISABETH S. WOLFE, 000-00-0000  
 DAVID P. YOUNG, 000-00-0000

## SUPPLY CORPS

*To be commander*

SARAH R. ALEXANDER, 000-00-0000  
 MONICA L. ALLEN COTTRELL, 000-00-0000  
 JOHN R. BADECKER, 000-00-0000  
 WILLIAM F. BAXTER, 000-00-0000  
 JOHN S. BETHEL, 000-00-0000  
 MARK V. BRADY, 000-00-0000  
 SCOTT W. BRAINERD, 000-00-0000  
 JODY R. BRINK, 000-00-0000  
 WILLIAM M. BUNKER, JR., 000-00-0000  
 KEITH T. BUTTON, 000-00-0000  
 ROBERT P. CARROZA, 000-00-0000  
 DAVID M. CODERRE, 000-00-0000  
 WILLIAM J. CURRAN, III, 000-00-0000  
 DANIEL E. DARLING, 000-00-0000  
 DWAYNE C. DENNIS, 000-00-0000  
 DAVID E. DOUGLAS, 000-00-0000  
 CRAIG C. DREW, 000-00-0000  
 JERRY L. EDWARDS, 000-00-0000  
 JOHN M. EICHNER, 000-00-0000  
 STEVEN G. FREEBURN, 000-00-0000  
 CHARLES N. GALLAGHER, 000-00-0000  
 GARY V. GEORGESEN, 000-00-0000  
 ROY A. GILBREATH, 000-00-0000  
 GARRETT S. GOUGH, 000-00-0000  
 JACQUELINE S. GRIFFITH, 000-00-0000  
 MATTHEW J. HARPEST, 000-00-0000  
 MARIA E. HECKELMAN, 000-00-0000  
 CHARLES A. HENKEL, 000-00-0000  
 KATHLEEN G. HENNELLY, 000-00-0000  
 CARL J. HICKS, 000-00-0000  
 RANDALL K. HOWTON, 000-00-0000  
 THOMAS E. JOAQUIN, 000-00-0000  
 WALTER J. KALITA, II, 000-00-0000  
 MARK E. KAUFMANN, 000-00-0000  
 TIMOTHY B. LAMB, 000-00-0000  
 MELVIN K. LENTZ, 000-00-0000  
 CHRISTOPHER E. LOHMAN, 000-00-0000  
 BRUCE B. MACK, 000-00-0000  
 DANIEL R. MAHAN, 000-00-0000  
 DONALD P. MARIK, 000-00-0000  
 JOHN M. MARMOLEJO, 000-00-0000  
 REY Z. MENDOZA, 000-00-0000  
 PAUL M. NEMECHEK, 000-00-0000  
 STEVEN M. OHNMEISS, 000-00-0000  
 GREGORY A. PLANK, 000-00-0000  
 SCOTT M. POTTINGER, 000-00-0000  
 JOSEPH C. PURCELL, 000-00-0000  
 MICHAEL A. REDJIN, 000-00-0000  
 NESTOR M. REYES, 000-00-0000  
 SUSAN B. ROBERTS, 000-00-0000  
 SAMUEL A. ROBERTSON, 000-00-0000  
 JAMES M. RUSSELL, 000-00-0000  
 GWENDOLYN A. SAWYER, 000-00-0000  
 STEPHEN H. SCHEFFER, 000-00-0000  
 PETER P. SCHLENK, JR., 000-00-0000  
 LORENA A. SMITH, 000-00-0000  
 BILLIE J. STEWART, 000-00-0000  
 THOMAS B. STROHL, 000-00-0000  
 RAYMOND P. SULLIVAN, 000-00-0000  
 JAMES A. TERRELL, 000-00-0000  
 PHILLIP M. TRUJILLO, 000-00-0000  
 JAMES A. TURNER, 000-00-0000  
 WILLIAM M. TURNER, 000-00-0000

MARK L. WHITFIELD, 000-00-0000  
 STEPHEN J. WHITTINGTON, 000-00-0000  
 MARK C. WOOLERY, 000-00-0000  
 PATRICK A. ZURICK, 000-00-0000

## SUPPLY CORPS (TAR)

*To be commander*

ROBERT F. BECK, JR., 000-00-0000  
 MICHAEL A. COLESAR, 000-00-0000  
 JEFFREY M. NEVELS, 000-00-0000  
 MICHAEL R. SCHESSER, 000-00-0000

## CHAPLAIN CORPS

*To be commander*

CATHERINE BEAUMONT, 000-00-0000  
 DAVID J. BERGNER, 000-00-0000  
 JONATHAN S. CARLETON, 000-00-0000  
 MICHAEL D. GROSS, 000-00-0000  
 DANIEL C. HAUSCHILD, 000-00-0000  
 DAVID J. HURTT, 000-00-0000  
 SAMUEL D. KIRK, 000-00-0000  
 RONALD M. KLOSE, 000-00-0000  
 CHARLES F. LANG, 000-00-0000  
 PAUL M. OVERVOLD, 000-00-0000  
 BRUCE A. RUMSCH, 000-00-0000  
 LANDA H. SIMMONS, 000-00-0000

## CIVIL ENGINEER CORPS

*To be commander*

DOUGLAS M. BARNARD, 000-00-0000  
 MARTIN J. BARRY, 000-00-0000  
 JOSEPH C. BRITAIN, 000-00-0000  
 JAMES T. COUCH, 000-00-0000  
 DALMUS L. DAVIDSON, 000-00-0000  
 SCOTT W. ECK, 000-00-0000  
 DAVID M. EMANUEL, 000-00-0000  
 DOUGLAS FIORINO, 000-00-0000  
 RICHARD D. FRITZLEY, 000-00-0000  
 THOMAS C. GUERCI, 000-00-0000  
 JAMES L. HONEY, 000-00-0000  
 ROBERT V. HUFFMAN, 000-00-0000  
 KEITH L. KUENZI, 000-00-0000  
 DAVID R. LAIB, 000-00-0000  
 WILLIAM O. MACE, JR., 000-00-0000  
 RICHARD E. MCLAY, 000-00-0000  
 SCOTT M. MERRILL, 000-00-0000  
 DAVID A. MICHELETTI, 000-00-0000  
 JOHN H. MILLER, II, 000-00-0000  
 ROBERT S. NEWMAN, 000-00-0000  
 PAUL B. PARKER, 000-00-0000  
 DENNIS V. PATTON, JR., 000-00-0000  
 JOEL E. SINN, 000-00-0000  
 BARBARA A. SISSON, 000-00-0000  
 MARTIN E. SMITH, 000-00-0000

## LIMITED DUTY (STAFF)

*To be commander*

FRANK J. GIORDANO, 000-00-0000

THE FOLLOWING-NAMED MAJORS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF LIEUTENANT COLONEL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

DOUGLAS E. AKERS, 000-00-0000  
 CYNTHIA A. ANDERSON, 000-00-0000  
 ROBERT H. ANDERSON, 000-00-0000  
 GREGORY E. ANDREWS, 000-00-0000  
 ARTHUR J. ATHENS, 000-00-0000  
 NICHOLAS E. AUGUSTINE, 000-00-0000  
 CHRISTOPHER B. BAKER, 000-00-0000  
 VINCENT D. BARRERA, 000-00-0000  
 GREGORY L. BAUR, 000-00-0000  
 CAREY L. BEARD, 000-00-0000  
 JACK E. BIEDERMAN, 000-00-0000  
 SCOTT D. BLAIR, 000-00-0000  
 ELLIOT F. BOLLES, 000-00-0000  
 JAMES E. BROTHWELL, 000-00-0000  
 DANNY R. BUBF, 000-00-0000  
 RAYMOND L. BURKART, 000-00-0000  
 MICHAEL L. BURKE, 000-00-0000  
 DONALD P. BURNHAM, 000-00-0000  
 DONALD W. BUSSELL, 000-00-0000  
 JOHN J. BUTTL, 000-00-0000  
 KEITH E. CAPERTON, 000-00-0000  
 JOHN J. CAREY, 000-00-0000  
 KEVIN O. CARMODY, 000-00-0000  
 DENIS G. CARRUTH, 000-00-0000  
 PAUL T. CASEY, 000-00-0000  
 THOMAS E. CAVANAUGH, 000-00-0000  
 MICHAEL G. CHESTON, 000-00-0000  
 KEVIN M. CLIFFORD, 000-00-0000  
 JAMES J. COHLAN, 000-00-0000  
 JOSEPH F. COLLINS, 000-00-0000  
 JOHN P. COMPTON, 000-00-0000  
 GERALD S. CORY, 000-00-0000  
 TERENCE M. COUGHLIN, 000-00-0000  
 WILLARD D. CRAIG, 000-00-0000  
 RICK D. CRAIG, 000-00-0000  
 JOHN M. CROLEY, 000-00-0000  
 JOHN M. CROTTY, 000-00-0000  
 JAMES E. DEOTTE, 000-00-0000  
 THOMAS E. DOTZGER, 000-00-0000  
 DARRYL A. DONEGAN, 000-00-0000  
 CHRISTOPHER E. DOUGHERTY, 000-00-0000  
 JEFFREY J. DOUGLASS, 000-00-0000  
 RICHARD T. DUMONT, 000-00-0000  
 CHRISTIAN J. ECK, III, 000-00-0000  
 HAROLD B. EMMONS, JR., 000-00-0000  
 CRAIG S. EVANS, 000-00-0000  
 STEPHEN S. EVANS, 000-00-0000  
 WENDELL S. FINCH, 000-00-0000  
 WILLIAM M. FORCE, JR., 000-00-0000  
 MARY L. FORDE, 000-00-0000  
 DAVID M. FRAKES, 000-00-0000  
 DONALD T. FRANK, 000-00-0000  
 CHARLES A. FREUND, 000-00-0000  
 JOSEPH A. GALDIS, 000-00-0000  
 ROBERT P. GARGONI, JR., 000-00-0000  
 JOHN M. GAYLORD, 000-00-0000  
 REGINALD J. GHIDEN, 000-00-0000  
 MILTON C. GODWIN, JR., 000-00-0000  
 LOWELL D. GRUBBS, 000-00-0000  
 RICHARD A. GUIDO, 000-00-0000  
 JOEL R. HAGENBROCK, 000-00-0000  
 GEORGE W. HALISCAK, 000-00-0000  
 JOHN K. HARRIS, 000-00-0000  
 RICHARD B. HARRIS, 000-00-0000  
 RONALD L. HARRIS, 000-00-0000  
 JOHN S. HARROD, 000-00-0000  
 JOHN J. HARVEY, 000-00-0000  
 RAYMOND L. HARVIN, 000-00-0000  
 JANA S. HAYES, 000-00-0000  
 FRANCIS G. HOFFMAN, 000-00-0000  
 LAWRENCE E. HOLST, 000-00-0000  
 DALE A. HOMIRE, 000-00-0000  
 MICHAEL C. HOWARD, 000-00-0000  
 MARK B. HOWELL, 000-00-0000  
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 JEFFREY W. KOENIG, 000-00-0000  
 JEFFREY S. KRONGAARD, 000-00-0000  
 BRADLEY C. LAPISKA, 000-00-0000  
 DAVID M. LARSEN, 000-00-0000  
 DENVER L. LATIMORE, 000-00-0000  
 THOMAS C. LATSKO, 000-00-0000  
 KENNETH J. LEE, 000-00-0000  
 JOHN C. LEEVEY, 000-00-0000  
 GARY R. LOPEZ, 000-00-0000  
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 TIMOTHY S. LUCAS, 000-00-0000  
 JOSEPH W. LYDON, III, 000-00-0000  
 STEPHEN A. MALONEY, 000-00-0000  
 THOMAS E. MANTON, 000-00-0000  
 JERRY D. MARR, 000-00-0000  
 DAN R. MATER, 000-00-0000  
 STANLEY A. MATTOSS, 000-00-0000  
 TERRY L. MCCOY, 000-00-0000  
 KEVIN F. MCGRATH, 000-00-0000  
 TERRANCE B. MCGUIRE, 000-00-0000  
 THOMAS D. MCNAMARA, 000-00-0000  
 SAMUEL D. MCVEY, 000-00-0000  
 MARK E. MEDVETZ, 000-00-0000  
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 MICHAEL A. MERRILL, 000-00-0000  
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 JANICE A. MITCHELL, 000-00-0000  
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 TRACY L. MOK, 000-00-0000  
 ALVIN S. MOSHER, 000-00-0000  
 DALE D. MOSSBARGER, II, 000-00-0000  
 DAVID W. MOYE, 000-00-0000  
 DAVID L. MULLINS, 000-00-0000  
 KEVIN C. MUNLEY, 000-00-0000  
 GREGORY P. OLMSTEAD, 000-00-0000  
 SCOTT S. OLSEN, 000-00-0000  
 CHARLES H. PANGBURN, III, 000-00-0000  
 KEITH J. PAVASCHEK, 000-00-0000  
 ROY A. PEARSON, 000-00-0000  
 STANLEY J. PENCE, JR., 000-00-0000  
 STEVEN T. PERKINS, 000-00-0000  
 TIMOTHY J. PIGOTT, 000-00-0000  
 KENNETH S. PLATO, 000-00-0000  
 FRANCIS C. PROCTOR, JR., 000-00-0000  
 MICHAEL PRZYBYL, 000-00-0000  
 JOHN A. RANDALL, III, 000-00-0000  
 RODNEY J. REYNOLDS, 000-00-0000  
 ROBERT C. RUBINSON, 000-00-0000  
 STEVEN M. RUBIN, 000-00-0000  
 JOHN F. RUFO, 000-00-0000  
 GEORGE F. SANCHEZ, 000-00-0000  
 JOHN J. SAYEN, JR., 000-00-0000  
 ELARIO SEVERO, 000-00-0000  
 SOAMER L. SHIFFLETT, 000-00-0000  
 MICHAEL A. SEIBE, 000-00-0000  
 RANDOLPH P. SINNOTT, 000-00-0000  
 JOHN L. SKELLEY, 000-00-0000  
 MICHAEL T. SPENCER, 000-00-0000  
 GEORGE M. STARK, 000-00-0000  
 BENSON M. STEIN, 000-00-0000  
 KURT E. STEIN, 000-00-0000  
 JOHN W. STELLY, JR., 000-00-0000  
 SCOTT B. STOKES, 000-00-0000  
 GERALD L. STUEVEN, 000-00-0000  
 LAWRENCE J. SWEENEY, 000-00-0000  
 PAUL T. THALHOFFER, 000-00-0000  
 SCOTT R. THOMAS, 000-00-0000  
 MARK E. TOTMAN, 000-00-0000  
 RODNEY F. TYLER, 000-00-0000  
 FIETER M. VELZBOER, 000-00-0000  
 CRAIG L. WALKER, 000-00-0000  
 CRAIG L. WALLEN, 000-00-0000  
 JOHN P. WALSH, 000-00-0000  
 MARY E. WALTERS, 000-00-0000  
 GARY W. WATSON, 000-00-0000  
 DAVID C. WILK, 000-00-0000  
 DAVID T. WILKS, 000-00-0000  
 WILLIAM F. WILLIAMS, III, 000-00-0000  
 JOHN K. WINZELER, 000-00-0000  
 ROBERT H. WITHERS, 000-00-0000  
 GUY L. WOMACK, 000-00-0000  
 MARC A. WORKMAN, 000-00-0000

# EXTENSIONS OF REMARKS

## TRIBUTE TO KOREAN WAR VETERANS

**HON. JACK QUINN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mr. QUINN. Mr. Speaker, I rise today in remembrance of the numerous courageous men and women who throughout the Korean war gave of themselves on behalf of the United States of America and all freedom-loving people of the world.

On Thursday, July 27, 1995, we will dedicate the Korean War Veterans Memorial as a remembrance for all of the heroic efforts that American service men and women selflessly performed for their country.

The Korean War Veterans Memorial is more than just a symbol: it is an embodiment of the resolute courage of America's service veterans. It stands as all America's veterans have stood, dauntless in the face of jeopardy, compassionate in victory, and dedicated to the pursuit of freedom for all people throughout the world.

The men and women who served in the Armed Forces of the United States of America during the Korean war forged a special bond with one another, as have all of America's combat veterans. This bond transcends traditional boundaries and common circumstance. This bond will be evident by the community of veterans who will gather here in Washington, DC, and will pay an enduring tribute to their fellow comrades.

I would like to take this opportunity and say to the veterans of the Korean war and all wars, that we, as a nation, are thankful for your patriotic service. When your country called, you answered by serving with bravery and distinction in the face of oppression. For this, I, like every American citizen, am eternally grateful and remain in your debt.

## OPENING OF A&P'S LARGEST STORE

**HON. MARGE ROUKEMA**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Great Atlantic & Pacific Tea Co. on the opening of its newest and largest store in Woodcliff Lake, NJ, on Tuesday, July 26. This is more than just another grocery store. This is a 60,000-square-foot supermarket of the future, with the latest in environmentally friendly lighting, heating, and air-conditioning. Experts tell me the store will be more energy efficient than any in the country, making it a model for the multibillion-dollar supermarket industry.

I take particular interest in the accomplishments of A&P because this giant of the food industry is headquartered in Montvale, NJ, in the heart of my congressional district.

Just as the Woodcliff Lake store is not just another grocery store, neither is A&P just another supermarket chain. With nearly 100,000 employees and stores in 23 States, it is the fifth largest supermarket chain in the Nation. In its 136-year history, it has been a true leader of the industry, pioneering many of the concepts that we take for granted today.

Entrepreneurs George Huntington Hartford and George Gilman opened the original Great American Tea Co. store in New York City—where the chain remains No. 1—in 1859. The ornately decorated store, which lured customers with state-of-the-art gaslight and brass bands on Saturday nights, was the first to offer house brands and private labels with its own brand of tea and still-famous "Eight O'Clock Coffee." The name of the store was changed to the Great Atlantic & Pacific Tea Co. in 1869 to mark the completion of the first transcontinental railroad.

A&P expanded in 1871 to Chicago, where it began the practice of giving away lithographs, crockery and other household items as premiums. By the turn of the century there were 200 stores nationwide and sales of \$85.6 million. Between 1900 and 1912, however, food prices rose 35 percent as the cost of living skyrocketed. In response, A&P introduced the "A&P Economy Store," corner grocery stores run with one employee and a capital investment of only \$3,000 each. By 1925, there were 14,000 stores and sales of \$440 million.

Other innovations followed, including "combination stores" which during the 1920's added meat to the line of other groceries at a time when meat was sold only by butchers. A&P shortly offered prepackaged, self-service cuts of meat and its "Ann Page" products. In 1924, the company became the first food retailer to sponsor a radio program, the "A&P Gypsies," and in 1937 launched Woman's Day magazine. The company opened its first supermarkets as we know them today in the 1930's. By 1936, 5,800 were in operation.

The company's success, however, was soon to become a liability. The Robinson-Patman Act of 1936 had A&P as one of its prime antitrust targets and a 1949 antitrust lawsuit forced limitations on the company faced by none other in the industry. Preoccupation with its legal difficulties, coupled with the deaths of John and George Hartford—sons of the founder—in the 1950's, led to years of decline. In 1979, controlling interest in the company was acquired by the Tengelmann Group of West Germany. The chain pared itself to 1,000 stores, closed unprofitable manufacturing plants and made other changes. The changes quickly returned the company to profitability and it has regained its stature within the American supermarket industry.

A&P is a major employer in my district and an important public convenience to my constituents and millions of others across the Nation.

## PERSONAL EXPLANATION

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mr. STUPAK. Mr. Speaker, on Friday, July 21, 1995, I was unavoidably absent from the House on official travel and missed five recorded votes on the agriculture appropriations bill for fiscal year 1996, H.R. 1976.

Had I been here, I would have voted: "No," on rollcall No. 550, the Zimmer amendment; "No," on rollcall No. 551, the Obey amendment; "No," on rollcall No. 552, the Kennedy amendment; "No," on rollcall No. 553, the Deutsch amendment; and "yes," on rollcall No. 554, final passage on the bill.

## A PROCLAMATION RECOGNIZING THE 50TH ANNIVERSARY OF THE INDEPENDENCE OF POHNPEI

SPEECH OF

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 21, 1995*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the island of Pohnpei, the capital of the federated states of Micronesia will soon celebrate the fiftieth anniversary of the acceptance of the Japanese surrender, and,

Whereas, the island will hold festivities beginning on the eleventh day of September in the year one thousand nine hundred and ninety-five.

Whereas, the island of Pohnpei was occupied by the United States after World War II and became a United Nations Trust Territory.

## RECOGNITION OF THE 100TH ANNIVERSARY OF THE MILITARY EXCHANGE SYSTEM

**HON. MARTIN FROST**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mr. FROST. Mr. Speaker, I would like to take this opportunity to recognize the 100th anniversary of the establishment of the military exchange system. The proud manager of the modern exchange system is the Army and Air Force Exchange Service, a vital organization and a key employer in the southwest Dallas county area located in my Congressional district.

The first exchange was established in a barracks building at Vancouver Barracks, Washington. Since the issuance of General Order No. 46 on July 25, 1895, the exchange has developed as the primary source of funding for the quality of life programs that support our

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

military personnel throughout the world. In peace and war, the exchange has been there to serve those who have defended us. The War Department established the Army Exchange Service in 1941 to provide guidance for worldwide operations. The organizations became the Army and Air Force Exchange Service [AAFES] in 1948.

The mission of the exchange is to provide quality merchandise and services to active duty, retired, and reserve personnel and their families and to generate reasonable earnings for the support of morale, welfare and recreation programs.

During 1994 alone the exchange service tallied over \$7 billion in sales and returned over \$200 million to the service for quality of life enhancements. Over the past 10 years AAFES payments to morale, welfare and recreation funds exceed \$1.7 billion.

In addition to their commitment to worldwide service in support of our military, the exchange has been there to assist with hurricane relief, assistance to firefighters and flood relief workers, and public service activities performed by the military departments. Exchange personnel are on the scene today in Haiti, just as they have been in Somalia, Saudi Arabia, and everywhere that the military have gone in service to this country.

While supporting these worldwide operations AAFES has been a bulwark to the local Dallas community since 1958. AAFES employee over 2,000 workers in the Dallas/Fort Worth community, and many of these individuals are committed to the advancement of their communities and are deeply involved in volunteer activities throughout the area.

On July 25, 1995, AAFES will mark this 100th anniversary with a celebration at the Dallas headquarters. On the 26th of July, 1995, they will begin the new century with the installation of a new commander. I invite all of my colleagues to join me in congratulating the Army and Air Force Exchange Service on this momentous day.

#### KIDS' DAY

### HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. COLEMAN. Mr. Speaker, I would like to take this opportunity today to discuss legislation that I want to introduce but am being prohibited from introducing due to House Rule XXII. A constituent of mine organized "Kids' Day" in El Paso 2 years ago. It has been an enormous success locally and I believe this type of holiday could have national success as well.

Kids' Day in El Paso is celebrated on the second Wednesday of every May. The celebration includes participation by children in community service projects in conjunction with the business community and a parade in which children develop floats that depict their career goals. Kids' Day encourages children to share their energy and talents with their community through public service.

Since children are one of this Nation's most precious resources and there is currently no holiday honoring the children of this Nation, I believe that National Kids' Day would be a wonderful opportunity for children to partici-

pate in an alternative to their traditional classwork and homework responsibilities by participating in community service, and an exploration of career opportunities.

However, despite the possibilities of such a holiday, the majority of this Congress has voted to ban the introduction of such legislation that would be deemed "commemorative." I have sought a ruling from the House Parliamentarian regarding such legislation and have been advised that most likely this legislation would violate rule XXII.

I feel that it is most unfortunate when a constituent organizes and implements a good idea, relates this idea to her Congressman, and for no other reason than the fact that the idea is "commemorative," her Congressman is prohibited from acting on the idea. The new rules implemented by the majority make accessibility to the Congress more difficult, something the American public clearly does not support.

In closing, I would like to relate the words of my constituent, who expresses the goals of Kids' Day more eloquently than I am able to: "The components of Kids' Day are geared toward building a better community by instilling a deep sense of commitment and success in our children and students."

Although I am unable to propose that this worthwhile effort be undertaken by the Nation, I would still strongly urge individual Members to lead their local communities in organizing this type of holiday for all our Nation's children.

#### EXPRESSING THE SENSE OF CONGRESS REGARDING THE FAILURE OF IRAQ TO COMPLY WITH U.N. RESOLUTIONS

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which condemns the Government of Iraq for failing to comply with U.N. resolutions adopted at the end of the gulf war. These U.N. resolutions require Iraqi authorities to provide full and complete disclosure of all weapons-related activities and make significant improvements in the area of human rights. Because Baghdad has not satisfied the requirements contained in these resolutions, strict sanctions on the export of commodities to, and the import of commodities by, the Government of Iraq remain in place. However, despite Iraq's continued noncompliance, some of our allies still are eager to lift the sanctions in anticipation of completing business contracts with the Iraqi authorities. I am pleased that Representatives SOLOMON, LANTOS, and PORTER have joined me in this bipartisan legislation, which we hope will send a strong message to the U.N. Security Council and to our allies that commercial interests must not be placed above vital security needs and fundamental human rights principles.

Restoring trade relations with Iraq before a full picture has emerged of Baghdad's past research, development, and manufacture of weapons of mass destruction could be a disastrous, and potentially deadly, mistake. When it comes to obeying international security rules, Saddam Hussein has an abysmal track

record. According to the International Atomic Energy Agency [IAEA], in the past Baghdad has violated its obligations under the Non-Proliferation Treaty by attempting to acquire nuclear weapons. In an April IAEA report to the United Nations, the IAEA stated that, while it is confident essential components of Iraq's past clandestine nuclear program have been identified and disposed of appropriately, some of the documents detailing the nuclear weapons program have been taken from IAEA inspectors by Iraqi authorities and not returned.

According to the U.N. Special Commission, which is responsible for monitoring Iraq's nuclear, chemical, biological, and missile activities, Iraq has not provided a full and comprehensive explanation of its past military biological program or accounted for items and materials acquired for that program. With Iraq's failure to account for the use of these items and materials for legitimate purposes, the Special Commission has concluded that there is a high risk that these items have been purchased and used for a proscribed purpose, specifically the acquisition of a biological warfare agent.

In addition to the lingering doubts about Iraqi compliance with U.N. resolutions regarding weapons of mass destruction, human rights conditions in Iraq remain intolerable. By any objective standard, the provisions established in U.N. Resolution 688 have not been satisfied. As specified in the U.N. resolution, the Security Council condemned Saddam Hussein's repression of the Iraqi civilian population and demanded that Baghdad immediately end this repression, which threatens peace and security in the Middle East. Iraq has murdered Kurdish civilians by employing chemical weapons in a brutal and systematic campaign of terror and has executed a large-scale military operation against civilians living in the southern marshes.

In light of Iraq's failure to comply with all relevant U.N. resolutions, the international community must not in any way condone Baghdad's conduct in the name of commerce or mitigate their misdeeds for the sake of money. I am pleased that Representatives SOLOMON, LANTOS, and PORTER have joined me in introducing this resolution and welcome the support of our colleagues.

#### OPPOSITION TO H.R. 1370

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. NEY. Mr. Speaker, these remarks were submitted to me by Robert E. Murray, president and chief executive officer of the Ohio Valley Coal Co., H.R. 1370 will virtually put this company out of business and place 4,400 employees out of work. I share Mr. Murray's strong opposition to H.R. 1370, and the general practice of dumping retirees.

H.R. 1370, to amend the Internal Revenue Code of 1986 to reduce mandatory premiums to the United Mine Workers of America [UMWA] combined benefit fund, is very bad legislation. This legislation will have disastrous consequences for the Ohio Valley Coal Co.—Ohio Valley—and other coal companies, while benefiting multibillion-dollar companies, which have repeatedly attempted to dump their retiree benefit costs for employees, who have

worked only for them, onto other coal companies.

Prior to enactment of the Coal Industry Retiree Benefit Act of 1992—Coal Act—47 percent of Ohio Valley's payments to the United Mine Workers of America health and retirement funds were contributed to cover obligations of other coal companies for people who never worked for Ohio Valley or its predecessor. Yet these companies have the audacity to claim that their obligations for their former employees are no longer theirs. They would have gotten away with this dumping of their bona fide liabilities onto Ohio Valley and other coal companies had it not been for enactment of the Coal Act.

H.R. 1370 would overturn much of the Coal Act, which was a carefully crafted compromise among Democratic and Republican legislators and the Bush administration. The concept of this compromise was to require present and former employers of UMWA-represented persons to be responsible for their retirees and to avoid imposing UMWA retiree cost on other companies, such as Ohio Valley, that never employed these UMWA retirees.

Further, the limited number of corporations lobbying for H.R. 1370 and the repeal of much of the 1992 Coal Act are simply not being truthful when they claim that the UMWA combined fund will have a long-term surplus. A recent study by Ernst and Young shows that the fund will have a deficit as early as 1998 and up to \$147 million in 2004.

To claim that H.R. 1370 protects companies, such as Ohio Valley, because no funding would be required pursuant to formula to increase operators' premiums if there is a shortfall, is a total smoke screen. If the large corporate dumpers of their liabilities on the funds and other coal companies, such as Ohio Valley, are not required to pay their fair share, the time at which and the amount that a company, such as Ohio Valley, will be required to pay to the funds will be accelerated.

Having served as the chief executive officer of one of the companies lobbying for H.R. 1370, I can personally assure you that their game is to dump their retiree liabilities onto other coal companies. The Coal Act, which H.R. 1370 will largely overturn, stopped this practice.

There is no question that, if the situation is returned to that which existed prior to passage of the Rockefeller legislation, Ohio Valley will be put out of business and the 4,400 jobs that it accounts for in Ohio, according to the Pennsylvania State University, will be eliminated. Congress must do everything possible to see that H.R. 1370, or any legislation like it, is not passed.

#### TRIBUTE TO JENNIFER FINZEL

#### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. CAMP. Mr. Speaker, I rise to day to honor the accomplishments of Jennifer Finzel. As much as the Special Olympics are a thrill for the athletes and their families, they also teach all of us a valuable lesson in determination, achievement and the human spirit. I want to share with you a story of Jennifer Finzel of Midland, MI. Earlier this month, Jennifer trav-

eled to New Haven, CT, with a goal on her mind and determination in her heart. She knew what she wanted, and went for it. The result was two gold medals and two silver medals in four different swimming events. For her effort and for her success, I say congratulations.

But Jennifer Finzel was special long before they draped medals around her neck. Jennifer has been working hard in my office for the people of Michigan's Fourth Congressional District for over 4 years now. When she's not working at McDonalds, she's in our district office in Midland making a difference for the residents of mid-Michigan. Jennifer truly is an inspiration to everyone who seeks to achieve. Anyone who visits our district office or the McDonalds on Eastman Ave. might hear Jennifer say a lot of things. But one thing they won't hear is "I can't."

#### PROTECTING AMERICA'S HOUSING PROGRAMS

SPEECH OF

#### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. STOKES. Mr. Speaker, I want to thank my colleagues for reserving this special order. I am pleased to participate in this discussion which is focused on the importance of housing, and the role of the Federal Government in ensuring that all Americans have affordable housing opportunities. The special order this evening is extremely timely and necessary in light of the attacks on the Department of Housing and Urban Development by the GOP leadership in this Congress.

I have a firsthand knowledge of some of the housing problems confronting the Nation. I serve as the ranking member of the House Appropriations Subcommittee on Veterans Affairs-Housing and Urban Development-Independent Agencies. This panel oversees the Nation's \$25.5 million housing budget. Through our subcommittee hearings, field trips, and studies and examinations, we are provided a closeup look at the increasingly grave housing situation in this Nation. In order to legislate solutions in the Halls of Congress, we all realize that you must first have a clear understanding of the problem.

Mr. Speaker, our Federal housing programs assist 4.7 million households through public housing and Section 8 rental assistance. We know that: 36 percent of the households are elderly; 15 percent are persons with disabilities; and 43 percent are families with children. We also understand that the median income of these households is \$8,000 per year.

This week, the Appropriations Committee completed mark-up of the fiscal year 1996 VA-HUD-Independent Agencies appropriations bill. As the ranking member on the panel, I am deeply disturbed by the funding cuts which the Republican leadership has advanced in this bill. When we look at cuts to housing programs, we note that hardest hit are those programs that provide affordable and decent housing for the elderly and poor.

The appropriations bill cuts HUD's funding by \$5.5 billion. They saw fit to cut funding for homeless assistance grants by nearly 50 percent. In addition, funding for development and

severely distressed public housing is eliminated, as well as new housing vouchers and certificates for the poor. Further, in this bill, modernization funds are cut by over \$1 billion and operating subsidies are reduced by \$400 million.

These cuts are in addition to damaging legislation that would repeal the Brooke amendment. The Brooke amendment is legislation which limits the percentage of income that poor people living in federally assisted housing can pay. Repealing this amendment increases the costs borne by the Nation's poor. Several other harmful provisions with regard to rent increases are also in the bill.

Mr. Speaker, this callous action by the appropriations panel represents a critical assault on our Nation's housing programs. The bill guts many of the critical safety net and human needs programs upon which the elderly, the poor, and low-income families depend. I am concerned that we are retreating on our commitment of affordable and decent housing as a national priority. For this reason, I am pleased to join my colleagues for this special order. Our participation this evening demonstrates our strong commitment to ensuring a strong and significant role in providing housing for all Americans.

HOUSING SPECIAL ORDER TOMORROW NIGHT  
(JULY 19)

To members of Dem. Task Force on Housing and other Housing supporters

Fr Representatives JOE KENNEDY, HENRY GONZALEZ, VIC FAZIO, BARBARA B. KENNELLY

Re Housing Special Order on Wednesday, July 19

Dt July 18, 1995

This is a reminder that tomorrow night after regular business there will be a special order on the importance of housing and the role the Federal government has played in trying to ensure that all Americans have affordable housing opportunities.

The Appropriations committee has targeted housing for extremely deep and very serious cuts which will undermine this mission.

We need to move quickly and forcefully to restore these crucial funds for housing, and to explain to the American people how important and successful most federal housing programs have been in serving working and poor Americans.

Please have your staff contact Jonathan Miller in Rep. Kennedy's office (5-5111) or Nancy Libson of the Housing Subcommittee (5-7054) if you would like to participate in this special order.

#### TURKEY AS A STRATEGIC ASSET

#### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. WHITFIELD. Mr. Speaker, I would like to bring to my colleagues' attention a recent op-ed piece which appeared in the Washington Times and which I believe deserves attention.

Alexander Haig writes from the point of view of both a former Secretary of State and NATO's former Supreme Allied Commander in Europe. I hope my colleagues will take time to read this valuable piece and carefully consider its message.



[From the Washington Times, June 25, 1995]  
UNDervaluation of a KEY STRATEGIC ASSET

Years ago, a Turkish general was quoted as saying that the trouble with being allied to the Americans was that you never knew when they would stab themselves in the back. This half-serious observation expressed the U.S.-Turkish relationship well. It was solid overall but subject to inexplicable actions, often on Washington's part, that simply negated America's own self-interest.

That is in fact what we are doing once again today. American aid to Turkey has been steadily reduced. Much of it is no longer grant aid at all but loans that since 1994 have been financed at market interest rates. For 1995, even this package has been subjected to restriction, including attempts to tie it to Cyprus, various human rights issues and Turkey's relationship with Armenia.

The generally punitive approach of these amendments reflect American politics at their worst—totally bereft of any consideration of our own strategic interests. A familiar complaint about our relationship with Turkey is that it should be re-examined in light of the end of the Cold War. The implication, of course, is to devalue the alliance as no longer so necessary in the absence of a Soviet threat.

The alliance should be re-examined but the critics will be disappointed. A strong U.S.-Turkish partnership remains fundamental to American interests.

First, Turkey's geographical position puts it in a bad neighborhood that is still vital to U.S. security. This was illustrated dramatically by the Persian Gulf war. There should be no doubt that without Turkey's help in closing Iraq's pipelines, allowing use of North Atlantic Treaty Organization air bases and general political support we could not have defeated Saddam Hussein. Turkey was and is fundamental to an anti-Saddam coalition.

Second, the outcome of the war, as we know, was not to create a new Gulf security order, much less a new world order. Instead we have seen four years of broken-back warfare against Saddam's regime. For this Turkey has paid a very large economic price exacted through disrupted trade and oil flows. The consequences for the Kurdish-populated regions of Turkey and Iraq have been even more troublesome. Operation Provide Comfort, run from Turkey, has averted the worst for the northern Kurds but not established security or peace. Instead the PKK, an authentic terrorist movement helped by such human rights activists as the Assad regime in Syria, among others, has found safe haven in northern Iraq. Turkey's recent military incursion was intended to settle this issue or at least to diminish the problem. But whatever the outcome this is indisputable: The failure of American policy to settle with Saddam has been borne very heavily by Turkey.

To this trouble must be added another. The newly independent states of the former Soviet-run Central Asia see new economic and political relationships with such countries as Turkey and Iran as the best route to secure their future. The oil and gas of Azerbaijan and Turkmenistan must flow through these countries or be controlled again by Russian hands on the tap.

Whatever the potential today the Caucasus is torn by war, the Chechnya slaughter; the Russian-manipulated civil war in Georgia; and the Russian-influenced contest between Armenia and Azerbaijan.

Seen from Ankara, the once-promising prospect of a less dangerous Central Asia has dissolved into bloodshed and a revival of Russian ambitions. The Turks must view

with great alarm, and so should we, the idea that the Russians will be allowed to station large forces there in violation of the conventional arms-reduction treaty (CFE) about to come into force. It is inexplicable that at the recent Moscow summit President Clinton supported revisions in these force levels in the name of stability; in virtually every instance, Russian military action has made things worse not better.

Finally, there is the frightening consequence of continued mismanagement of the Bosnian crises by the United Nations and NATO, and especially the U.S. failure to act clearheadedly in this crisis, which risks the continuation of essential secular leadership in Ankara. A worst case outcome of Bosnia could well broaden the conflict in a way that might result in Turkey's involvement, with unforeseeable consequences for Western interests.

Against this geopolitical backdrop, the paragons of human rights have railed against Turkey's democracy—and Prime Minister Tansu Ciller has admitted that Turkish democracy is a less-than-perfect mechanism with plenty of rough edges.

We must all be alarmed at the growth of anti-Western sentiment disguised as a return to Islam. In Turkey, as in many other countries, the end of the Cold War has given rise to a struggle for national identity. But whose side shall we take? That of the less-than-perfect democrats or that of the authentic anti-democrats?

At this critical juncture, those who support cuts in assistance or in support for Turkey are willfully blind to U.S. strategic interests. The Turks are a hardy people; they will survive as best they can. But this is not the time for America to stab its own interests in the back. The stakes are too high.

In the absence of an effective U.S.-Turkish partnership, the entire U.S. position in the Persian Gulf and the Middle East will be the biggest loser. The winners will be neither pro-Western nor those interested in human rights. It is high time that we recovered from strategic amnesia.

#### SPECIAL PEOPLE PROGRAM OF IBPOE OF W

**HON. LYNN N. RIVERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Ms. RIVERS. Mr. Speaker, I rise today to commend the Special People Program of the Improved Benevolent Protective Order of the Elks of the World [IBPOE of W]. This program was established to promote assistance to young persons who have special needs because of physical or mental challenges. The members of the IBPOE of W have dedicated their time and efforts to make this very important program a success, to reach out to the special people of their community and to focus attention on the contributions of those special people.

This year Shaun-Keith Pierre Thomas from Ann Arbor, MI has been selected as the 1995 Special People Poster Child and will be honored at a ceremony on August 7. Five-year-old Shaun-Keith represents all special people who face additional physical and mental challenges. In Shaun-Keith's case, cerebral palsy, sometimes prevents him from participating in favorite activities. Daily he struggles to accomplish tasks that most of us take for granted yet he somehow always shows his courage and

his strength. His determination, perseverance, and courage are an excellent model to us all. I offer Shaun-Keith my sincere congratulations and admiration and together with his friends and family wish him all the best.

#### A CAREER THAT MADE A DIFFERENCE

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mr. BARCIA. Mr. Speaker, the people of Michigan are about to lose one of the greatest friends they have ever had. Jim Collison is retiring after 21 years of service in the Economic Development Administration of the U.S. Department of Commerce. He has had responsibility for EDA programs for the entire State, overseeing more than \$600 million in more than 1,000 projects.

Jim Collison helped make EDA programs succeed because he knew the people of Michigan, and he knew the realities of doing business in Michigan as a result of his being a life long resident of our State, and himself having been involved in a number of businesses and serving as an official of local governments. His dedication to his home State is a great example of how people can be productive in their own areas, rather than looking for the American dream in some place away from home.

His presence in Saginaw goes back to his days at Holy Family High School in Saginaw, and his work at Saginaw Lumber Co. He then became involved in real estate development until he was appointed to the Zilwaukee Township planning department where he developed the city's master plan. He also served at Township Supervisor, and chairman of the county board of supervisors, before it became the board of commissioners.

His sense of community extended beyond his professional activities. He serves as a lecturer and communion assistant at St. Matthew's Catholic Church. He also is a member of the Northwest Utilities Consortium and organized the board of urban renewal.

In addition, he has been blessed with his wife of 44 years, Lozamae, and their five children and six grandchildren. There is no doubt that the support provided by his family has helped him succeed in being the kind of public servant that everyone can respect.

Mr. Speaker, at a time when those who work for governmental agencies fail to receive the proper accolades for the excellent job that they are doing, I believe it is particularly appropriate to recognize and thank Jim Collison for his years of service. His work has meant a great deal to business development in Michigan, and more importantly, to the thousands of people who have benefited from the projects that have gone forward as a result of his careful consideration. His career truly has made a difference. I ask that you and all of our colleagues join me in thanking Jim Collison for his years of service, and wish him the very best with the new challenges and opportunities that lie ahead.

TRIBUTE TO RUSSELL C. MILLS

**HON. IKE SKELTON**

OF MISSOURI  
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mr. SKELTON. Mr. Speaker, today I pay tribute to Russell C. Mills, who recently retired from his post as State conservationist for the USDA Natural Resources Conservation Service.

Mr. Mills, a friend of long standing, is well respected by all who know him. He holds a BS degree in agriculture from Ohio State University and an MPA from the University of Missouri—Columbia. He has served with NRCS since 1957 as a Student Trainee, Soil Conservationist, and District and Area Conservationist in Ohio. He was also the Assistant State Conservationist for Programs and Deputy State Conservationist in Missouri. He is a member of the Soil and Water Conservation Society, the National Association of Conservation Districts, the Missouri Land Improvement Contractors Association, and the Missouri Chapter of the Americans Wildlife Society.

Mr. Mills performed his tasks admirably, earning the Conservation Federation of Missouri's 1989 Professional Conservationist Award, Missouri Conservation Commission's 1990 Conservationist of the Year Award, and Missouri Farm Bureau's 1990 Outstanding Service to Agriculture Award.

As Russell Mills pursues other endeavors, I take this opportunity to express my gratitude and to wish him my sincerest best wishes for the future.

PERSONAL EXPLANATION

**HON. J.C. WATTS, JR.**

OF OKLAHOMA  
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mr. WATTS of Oklahoma. Mr. Speaker, due to an unavoidable prescheduled speaking engagement, I missed votes on Thursday, July 20 and Friday, July 21, 1995. If I had been here I would have voted:

NAY on rollcall vote 547—reduced finance sales of U.S. commodities to developing countries

YEA on rollcall vote 548—prohibited funds appropriated for construction at Beltsville, MD, agriculture research center.

NAY on rollcall vote 549—would have increased funds for Rural Development Performance Partnership Program, cutting salaries for those who assist livestock producers if crop insurance was not purchased.

NAY on rollcall vote 550—cut Commodity Credit Corporation's Market Promotion Program.

NAY on rollcall vote 551—prohibited funds for Market Promotion Program being used for salaries or expenses.

NAY on rollcall vote 552—prohibited CCC funds for use in promotion of alcoholic beverages.

NAY on rollcall vote 553—prohibited bill's funds from being used for salaries or expenses to promote U.S. Mink Export Development Council.

YEA on rollcall vote 554—final passage of H.R. 1976—fiscal year 1996 Agriculture Appropriations Act.

I ask that these be inserted into the RECORD at the appropriate place.

THE DISTRICT OF COLUMBIA  
BUDGET EFFICIENCY ACT

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Ms. NORTON. Mr. Speaker, today I am introducing legislation of vital importance to the District of Columbia in rebuilding the financial viability of the District. As my colleagues are well aware, the District is contending with a serious financial crisis. This bill allows the Mayor and the City Council to address some of the causes of the city's budget difficulties that are now outside of their reach with greater efficiency, flexibility, and fairness.

This bill has three provisions that accomplish these purposes. First, the bill gives the Mayor the authority to reduce the appropriation for the judicial branch of the District government, if such a reduction is necessary to balance the District's budget. The Congress previously empowered the District to take similar steps with other independent agencies, including the board of education. However, unlike the case at other agencies, the judicial branch savings may only be directed in the annual appropriation total, not on a line-item basis within the budget itself. Thus, this bill treats the budget of the courts differently in recognition of the separation of powers and the independence of the courts.

Second, the bill enables the District to decouple the rate of compensation for District of Columbia judges from that of Federal judges. No decrease in pay would occur, however. D.C. Superior Court and Court of Appeals judges are local, not Federal judges, and have no Federal jurisdiction. Because of home rule limitations, however, they are appointed by the President—though they are recommended by a panel of local residents. These local judges are paid entirely from the District budget, not from Federal funds. When District employees have taken pay cuts or had level pay for several years and very few have received raises, the judges serving the District have several times had increases in their salaries because their salaries are tied to the pay scale for Federal judges. To remedy this imbalance, the District of Columbia Council will determine the new rate of compensation for judges, as is usually the case with legislatures.

Third, the bill gives the District greater leverage and flexibility to accomplish savings in the negotiation of contracts, such as procurement contracts. Presently, such agreements can be negotiated only on an annual basis. As a result, the District cannot enter into multiyear agreements that often have better terms. Because such contracts require significant commitments they will be evaluated by the District of Columbia Council, and will require a council resolution, two-thirds vote of members present and voting. If for any reason, the funds are not appropriated during a subsequent year of the contract, the contract would be canceled, preventing the District from being bound unreasonably.

These components of the bill act together to strengthen the District's financial position. This bill is noncontroversial. Because it is an es-

sential ingredient of the District's financial discipline and recovery, I ask for support and passage at the earliest time.

SUMMARY OF THE DISTRICT OF COLUMBIA  
BUDGET EFFICIENCY ACT

The Congress gave the ability to reduce the budgets of independent agencies, including the Board of Education, if it is required to balance the District budget. However, this power did not include the District courts. This bill expands that power to include the budget of the District courts. This expansion of power does not affect the separation of powers between the executive and legislative branches because it does not give the Mayor power over the judicial salaries, but only the budgets. The Mayor is required to notify the District of Columbia courts of any proposed reductions in their budget.

The bill also amends the Home Rule Act to allow the D.C. Council to establish the rate of compensation for judges in District of Columbia courts. This severs the tie of D.C. judges' salaries to those of federal judges.

Additionally, the bill allows the District to form multiyear contracts for goods and services in areas where funds are appropriated annually. If the funds are not appropriated in some subsequent year of the contract, the contract is cancelled or terminated. Costs of cancellation or termination are paid from sources limited to: appropriations available for the contract's performance; appropriations available for procurement of the acquisition type covered by the contract that is not obligated; funds appropriated for payment of such costs.

Any such contract will require support of the Council by resolution, a two-thirds vote of members present and voting. Further, the contracts will be made pursuant to criteria established by the Council.

SECTION-BY-SECTION ANALYSIS—DISTRICT OF  
COLUMBIA BUDGET EFFICIENCY ACT OF 1994

*Section 1. Short title*

Section 1(a) states that this Act may be cited as the "District of Columbia Budget Efficiency Act of 1995".

Section 1(b) amends the relevant provisions of the District of Columbia Self-Government and Governmental Reorganization Act by adding the following:

The District of Columbia Self-Government and Government Reorganization Act provides that whenever in the District of Columbia Multiyear Financial Controls Act is referred to, the reference will be considered to be made to that section of other provision of the District of Columbia Self-Government and Government Reorganization Act.

*Section 2. Budgetary control over independent agencies*

Section 2(a): Section 2(a) amends Section 47-301(b) of the D.C. Code to include expenditures for District of Columbia Courts and the Board of Education the submission of the District's annual budget by adding the following section:

Section 47-301(b) of the D.C. Code provides that the budget submitted by the Mayor shall include, but is not limited to recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Courts, the Board of Education, the District of Columbia Auditor, the District of Columbia Board of Elections and Ethics, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

Section 2(c): Section 2(c) allows the Mayor to balance the budget by reducing the amount appropriated or otherwise made

available to independent agencies of the District of Columbia to reduce the appropriation or amount if it is determined to be necessary to balance the District's budget. These figures must be submitted to the Council. It further requires that the Mayor notify the District of Columbia courts of any proposed reductions in their budgets.

Section 2(d): Section 2(d) decouples the link between District of Columbia court judges and federal court judges, allowing the District of Columbia Council to establish the rate of compensation for the judges.

*Section 3. Contracts extending beyond one year*

Section 3(a) allows the District to enter into multiyear contracts for goods and services where funds are appropriated on an annual fiscal year basis. These obligations are valid only for the fiscal year appropriated.

Section 3(b) allows multiyear contracts to be cancelled or terminated if money is not appropriated in subsequent years. In such an event, the cost of cancellation or termination is to be paid from the following: (A) appropriations available for the performance of such contract; (B) appropriations available for procurement of the acquisition type covered by the contract where not otherwise obligated or; (C) funds appropriated for the payments of such costs.

It additionally provides that contracts entered into under this section are invalid unless the Council, by a two-thirds vote of its members present and voting, authorizes such a contract by resolution. Further, contracts under this subsection are made pursuant to criteria established by act of the Council.

**BELLA ABZUG: AN INSPIRATION  
TO US ALL**

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 1995*

Mrs. MALONEY. Mr. Speaker, on August 26, 1920, 75 years ago, American women finally won their century-long struggle for their constitutional right to vote. That new birth of freedom empowered women to bring into Congress and into public discourse their legislative and political demands to end pervasive discrimination against women and girls, a struggle marked by notable victories and continuing challenges.

As we celebrate the 75th anniversary of women's suffrage, we also celebrate today, July 24, the 75th birthday of one of our Nation's most outstanding woman leaders, Bella S. Abzug. In her all-too-brief 6 years in Congress (1971-1977) as a Democratic Representative from a Manhattan district in New York City, she emerged as a dynamic leader, creative legislator, and a pioneer in broadening legal, economic, social, and political rights for women.

When Bella first ran for office in 1970, there were only nine women among the 435 members of the House of Representatives, including Martha Griffiths, Edith Green, Patsy Mink, and Shirley Chisholm, the first African-American woman elected to Congress. There was only one woman Senator, Margaret Chase Smith of Maine. Bella was the first woman to run and be elected on a women's rights and peace platform. Today, some 20 years later, the numbers have increased significantly—47 women in the House, eight in the Senate—but as Bella would be the first to remind us, American women, who are more than 51 percent of

the population, deserve more than an average of 10.3 percent representation in our Congress.

Bella was elected to the House while United States military intervention in Vietnam, now admitted by Robert McNamara to have been a frightful and costly mistake, was at its height and was drawing mass protests around our country and in Washington. After being officially sworn in as a Member on the House floor on January 21, 1971, Bella took another oath on the Capitol steps, administered by Congresswoman Chisholm before a thousand supporters, in which she pledged "to work for new priorities to heal the domestic wounds of war and to use our country's wealth for life, not death." Then as her first official act in Congress she dropped a resolution into the hopper calling on President Nixon to withdraw all American Armed Forces from Indochina by July 1, 1971.

Bella's concern for the human victims of war made her an adored champion of returning Vietnam veterans, who camped out in her office during the protests they held in the Capitol. Her staff included a fulltime aide who dealt exclusively with veterans health and readjustment problems and she played a leading role in strengthening education benefits for veterans in VA legislation.

Bella also impressed her colleagues as a thoughtful and creative legislator with a firm knowledge of parliamentary rules and precedents, negotiating skills and an awesome capacity for dawn-to-midnight hard work. In her last term in Congress, she served as a member of the whip system operated by House Speaker "Tip" O'Neill, a friend and admirer, and was chosen by her congressional peers in a U.S. News and World Report survey as the "third, most influential" Member of the House. She was described in a 1977 Gallup Poll as 1 of the 20 most influential women in the world.

One of the earliest votes Bella cast was to approve the Equal Rights Amendment. She also introduced a resolution proclaiming August 26 Women's Equality Day, in honor of the suffrage victory. The resolution was approved and signed into law by President Nixon. Nationally and internationally, Bella became known as a champion of women's rights and reproductive freedom and initiated what later became the Congressional Caucus on Women's Issues. She wrote the first law banning discrimination against women in obtaining credit, loans, and mortgages, and introduced precedent-setting bills on comprehensive child care, Social Security for homemakers, abortion rights, and gay rights.

Chairing the House Committee on Public Works and Transportation, she authored legislation bringing more than \$6 billion to New York State in public works, economic development, sewage treatment, mass transit—including sidewalk ramps for the disabled and buses for the elderly—and antirecession assistance. She created the Interstate Transfer Law, which allowed New York City to trade-in highway funds for mass transit improvements.

Bella's remarkable accomplishments as a legislator came as no surprise to those who knew her personal history. Born on July 24, 1920, to Esther and Emanuel Savitsky, Russian Jewish immigrants in the Bronx, Bella has put her prodigious energy, brains, organizing skills, and idealism to work for a better world,

especially for women and victims of racism, prejudice, greed and militarism.

Along the way, she has never accepted the tired view of "that's the way it is, so that's the way it has to be." As a child growing up in the Bronx, she started breaking rules—playing "immies" in the street with the boys—and usually winning—collecting pennies and making speeches in the subways for the Jewish homeland, which later became established as the State of Israel. She attended both public and Hebrew religious schools.

Early on, Bella was recognized as a natural leader: she was elected class president at Walton High School and president of Hunter College's Student Council. One of her fondest memories is of speaking at an assembly addressed by First Lady Eleanor Roosevelt.—They both wore hats.

At Hunter, her last year at law school, she married Martin Abzug, a businessman, World War II veteran and budding novelist who proved his love by typing her schoolwork. Their mutual admiration marriage ended with his death in 1986. They had two daughters, Eve and Liz. Eve is an artist, has worked in city government and holds a master's degree in social work. Liz, active in the women's movement, is an attorney specializing in economic development and women's concerns. In the early years of her career, Bella worked as a lawyer, specializing in civil liberties and labor law. She has been a lifelong advocate of civil rights and a "nut" about the first amendment. In the early 1950's, she defended several Hollywood actors caught up in the McCarthy witch hunt, and also took on the controversial case of Willie McGee, a black Mississippian sentenced to death on a framed-up charge of raping a white woman, with whom he had a long relationship. Although she could not save him from execution, Bella's courage in going to the South to defend him despite threats to her safety was a harbinger of courage displayed by thousands of civil rights activists in the Sixties. During the McGee trial, Bella wasn't even able to get a hotel room and had to sleep in the local bus station, and she was pregnant.

In 1961, Bella helped organize Women Strike for Peace to campaign for a nuclear test ban, going on to lead thousands of women in lobbying expeditions to Congress and the White House. During the Sixties, she came into her own as a rousing public speaker, anti-Vietnam war leader and political strategist, working in the reform Democratic and peace movements and election campaigns.

At age 50, she decided it was time to run for office herself, and run she did, in 1970, with her slogan: "This woman's place is in the House—the House of Representatives." She conducted an unorthodox, attention-getting congressional campaign, mostly in the streets of Greenwich Village, Little Italy, the Lower East Side, and Chelsea, backed up by hundreds of enthusiastic volunteers. She scored an upset primary victory over a longtime Democratic incumbent and went on to win the general election.

While in Congress, throughout the Seventies, Bella was also organizing women. The first planning sessions for the National Women's Political Caucus were held in her office and in 1971 she became its first co-chair. She was chief political strategist for Democratic women in a successful campaign for equal representation—equal division—for women in

all elective and appointive posts, including representation at Presidential nominating conventions. She now serves as a New York State representative on the Democratic Party National Committee. She was an active policy adviser and organizer of women voters in the Democratic Party's 1972, 1976, 1980, 1984, 1988 and 1992 Presidential campaigns.

After trying for the U.S. Senate in 1976 and losing a four-way primary race by less than 1 percent, Bella was named by President Carter to head the National Commission on the Observance of International Women's Year, presiding in November 1977 over the landmark federally-funded National Women's Conference in Houston.

While still in the House during the Ford administration, Bella and other Congresswomen succeeded in getting a \$5 million appropriation for the conference, which included several thousand women delegates elected at public meetings in every State of the Union as well as First Ladies, past and present. The delegates adopted a 25-plank National Plan of Action, making specific recommendations on a broad range of issues affecting the status of women. Bella played a major role in the U.N. Decade of Women international conference in Mexico City and as an NGO observer and speaker at the 1980 Copenhagen and 1985 Nairobi U.N. women's conferences. At the parallel NGO Forum in Nairobi, she organized a panel, titled "What If Women Ruled the World?", attended by more than a thousand women, including conference delegates and parliamentarians.

In 1978, President Carter appointed Bella co-chair of his National Advisory Committee for Women, on which she served for 2 years. After the advisory committee publicly protested funding cuts in women's programs, Bella was dismissed by President Carter as co-chair and a majority of the committee members resigned in protest. Nevertheless, Bella supported Jimmy Carter in his unsuccessful 1980 Presidential reelection bid.

In the 1980's Bella Abzug worked on women voters education programs and also served as a strategist for the growing pro-choice reproductive rights women's movement. She also became involved in efforts to organize women to help save the planet from worsening environmental threats, pollution and poverty, resulting from unregulated technologies, the social irresponsibility of multinationals, governments, international financial institutions, war machines and other factors. From this concern, shared by women worldwide, came the formation of the Women's En-

vironment & Development Organization [WEDO], co-founded with Mim Kelber, a longtime associate, and women U.N. activists. As co-chair of WEDO, Bella presided over the World Women's Congress for a Healthy Planet, held in Miami, FL Nov. 8-12, 1991. The widely acclaimed Congress, which drew 1,500 women participants from 83 countries, produced and approved the Women's Action Agenda 21—a blueprint for incorporating women's perspectives, demands and equal participation into local, national and international environment and development decision-making.

The women's agenda became the focus of activities organized by Bella and WEDO leaders from every region of the world in connection with preparations for the U.N. Conference on Environment & Development and at the Earth Summit, held in Rio de Janeiro in June 1992. She also served as senior adviser to UNCED Secretary-General Maurice Strong and was the women's sector representative on the non-governmental organizations (NGO) facilitating committee for the Rio summit.

Based on the model she developed for the Earth Summit, Bella and the WEDO network have continued to work at the UN, organizing women's caucus meetings at subsequent major international conferences of particular concern to women. The work of the caucuses has been recognized as crucial to including women's perspectives, demands and participation in policymaking in U.N. platforms for action and programs.

Bella also served as a private sector representative on the U.S. delegation to the International Conference on Population & Development [ICPD] in Cairo, Egypt last September and played a key role in winning recognition of the centrality of women's concerns and roles in population and development policies. She will also be an active participant in the Fourth U.N. World Conference on Women and its parallel NGO forum which will meet in China this September. She will co-chair a WEDO-initiated Women's Linkage Caucus at the official conference and will also preside over the Second World Women's Congress for a Healthy Planet at the NGO Forum.

Bella believes that the United States should act speedily to ratify the U.N. Convention to Eliminate Discrimination Against Women [CEDAW] before the 75th anniversary of women's suffrage—The United States is the only major power that has not ratified CEDAW.

Bella's work at the United Nations has led her to other areas of participation, including serving as a moderator at the conference on financing of the United Nations held by the

Society for International Development. She also serves as part of the U.N. Development Program's Eminent Advisory Panel for the 1995 Human Development Report.

While volunteering most of her time to the U.N., Bella Abzug continues to devote her energies to a wide range of women's issues. Breast cancer became a focus of her attention in March 1993, when WEDO, together with the New York City Commission on the Status of Women, which she chaired on breast cancer and the environment. Testimony was presented by physicians, scientists, women's health specialists, activists and women with breast cancer on the links between the breast cancer epidemic and environmental pollutants.

Three months later, Bella discovered that she too had breast cancer. This only strengthened her commitment to focus more research and government and public resources on cancer prevention, emphasizing the identification and prevention of environmental causes of the disease. Under Bella's leadership, WEDO has launched a campaign in partnership with Greenpeace USA and grassroots women's cancer groups, entitled "Women, Health and the Environment: Action for Prevention." The campaign is sponsoring public hearings and action conferences in cities throughout the United States.

In whatever spare time she has, Bella supports her pro bono activities by working as a lawyer. She also lectures at colleges, women's meetings, legal and other professional groups, synagogues and churches. She was a news commentator on Cable News Network for 3 years, has appeared on hundreds of TV and radio programs, is the author of several books and writes a column for *Earth Times*, a newspaper that covers the United Nations.

Over the years, Bella Abzug has received numerous honorary degrees, awards and other honors. On August 6 in Chicago, she will receive from the American Bar Association Commission on Women in the Profession its highest honor, the Special Margaret Brent Women Lawyers of Achievement Award.

In September 1994, she was inducted into the National Women's Hall of Fame. There in Seneca Falls, NY, where the first women's rights meeting was held in 1848, she joined other influential women and leaders of the women's rights movement as one of the most admired women in American history.

On behalf of women Members of Congress, I salute the 75th birthday of this remarkable woman, my close friend whose dedication and courage helped pave the way for our presence here.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 25, 1995, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 26

9:30 a.m.

## Appropriations

## Interior Subcommittee

Business meeting, to mark up H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996.

SD-138

## Armed Services

Closed business meeting, to discuss certain pending nominations.

SR-222

## Commerce, Science, and Transportation

## Surface Transportation and Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for the Maritime Security Program.

SR-253

## Finance

To continue hearings to examine ways to improve the Medicare program and make it financially sound, focusing on the modernization of Medicare and giving senior citizens more choice in the kinds of plans that are available to them.

SD-215

## Governmental Affairs

## Post Office and Civil Service Subcommittee

To hold hearings to review the Annual Report of the Postal Service.

SD-342

## Judiciary

To hold hearings to examine punitive damages reform.

SD-226

## Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine issues relative to the President's involvement

with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH-216

2:00 p.m.

## Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

## JULY 27

9:30 a.m.

## Commerce, Science, and Transportation

To hold hearings on proposed legislation to reform the Federal Communications Commission procedures in their use of auctions for the allocation of radio spectrum frequencies for commercial use.

SR-253

## Energy and Natural Resources

To hold hearings on the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior.

SD-366

## Finance

To hold hearings on the Federal Medicaid matching formula.

SD-215

## Governmental Affairs

To resume hearings on S. 929, to abolish the Department of Commerce.

SD-342

## Judiciary

Business meeting, to consider pending calendar business.

SD-226

## Labor and Human Resources

To hold hearings on proposed legislation to authorize funds for programs of the Substance Abuse and Mental Health Services Act.

SD-430

## Special Committee To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH-216

10:00 a.m.

## Judiciary

To hold hearings to examine prison reform, focusing on enhancing the effectiveness of incarceration.

SD-106

3:00 p.m.

## Appropriations

Business meeting, to mark up H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996, and H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1996.

SD-192

JULY 28

9:30 a.m.

## Appropriations

## Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine family planning issues.

SD-138

## Labor and Human Resources

To hold hearings on health insurance relative to domestic violence issues.

SD-430

## AUGUST 1

9:30 a.m.

## Commerce, Science, and Transportation

To hold hearings to examine the future of the Department of Commerce.

SR-253

2:00 p.m.

## Judiciary

To hold hearings on pending nominations.

SD-226

## AUGUST 2

9:30 a.m.

## Judiciary

## Administrative Oversight and the Courts Subcommittee

To hold hearings on proposed legislation authorizing funds for the Administrative Conference.

SD-226

## Labor and Human Resources

Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers.

SD-430

## Indian Affairs

Business meeting, to consider pending calendar business; to be followed by oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).

SR-485

2:00 p.m.

## Commerce, Science, and Transportation

## Aviation Subcommittee

To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).

SR-253

## CANCELLATIONS

## JULY 26

9:30 a.m.

## Labor and Human Resources

To hold hearings to examine emerging infections and their impact on society.

SD-430

2:00 p.m.

## Commission on Security and Cooperation in Europe

To resume hearings to examine the Chechnya crisis, focusing on prospects for peace.

2200 Rayburn Building

Monday, July 24, 1995

# Daily Digest

## Senate

### Chamber Action

#### *Routine Proceedings, pages S10511–S10579*

**Measures Introduced:** Four bills were introduced, as follows: S. 1065–1068. **Page S10565**

**Measures Reported:** Reports were made as follows:

S. 143, to consolidate Federal employment training programs and create a new process and structure for funding the programs, with an amendment in the nature of a substitute. (S. Rept. No. 104–118)

H.R. 402, to amend the Alaska Native Claims Settlement Act, with an amendment in the nature of a substitute. (S. Rept. No. 104–119) **Page S10565**

**Lobbying Reform:** Senate began consideration of S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, taking action on amendments proposed thereto, as follows:

**Pages S10512–31, S10535–36, S10538–62**

Adopted:

(1) Levin/Cohen Amendment No. 1836, to establish that the bill does not include grassroots communications by volunteers who express their own views on an issue, to increase the amount of time that must be spent on lobbying to be considered a lobbyist, to eliminate an independent agency to administer and enforce the Act and to entrust filing requirements with the Secretary of the Senate and Clerk of the House of Representatives, and to eliminate enforcement provisions and provide a civil monetary penalty for violations. **Pages S10518–21, S10552–54**

(2) McCain Modified Amendment No. 1837, to repeal the Ramspeck Act. **Pages S10521–26, S10554–55**

(3) Brown Modified Amendment No. 1838, to require a more detailed disclosure of the value of assets. **Pages S10536, S10540–41, S10560**

(4) By 59 yeas to 37 nays (Vote No. 326), Simpson Amendment No. 1839, to prohibit certain exempt organizations from receiving Federal grants. **Pages S10539–40, S10542–53, S10555–59**

(5) Brown Amendment No. 1841, to require an individual filing a financial disclosure form to disclose the total cash value of the interest of the individual in a qualified blind trust. **Pages S10541–42, S10553, S10555, S10561–62**

Previous adoption of the amendment was vitiated.

**Page S10555**

(6) By 59 yeas to 39 nays (Vote No. 325), Craig Modified Amendment No. 1842 (to Amendment No. 1839), of a perfecting nature. **Pages S10546–53, S10555–58**

(7) By a unanimous vote of 98 yeas (Vote No. 324), Levin/McConnell Amendment No. 1843 (to Amendment No. 1836), in the nature of a substitute. **Pages S10552–54**

(8) McConnell (for Dole) Amendment No. 1844, to amend Public Law 75–583, Foreign Agents Registration Act of 1938, to require reports to Congress concerning administration of this Act. **Page S10560**

(9) McConnell (for Dole) Amendment No. 1845, to prohibit any person serving as the United States Trade Representative and the Deputy United States Trade Representative from representing or advising a foreign entity at any time after termination of that person's service and to disqualify such a person from serving as a U.S. Trade Representative or Deputy U.S. Trade Representative. **Pages S10560–62**

Withdrawn:

Brown Amendment No. 1840, to require the disclosure of the value of any personal residence in excess of \$1,000,000. **Pages S10541, S10560**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Tuesday, July 25, 1995, with a vote on final passage of the bill to occur thereon. **Page S10562**

**Gift Reform—Agreement:** A unanimous-consent agreement was reached providing for the consideration of S. 1061, to provide for congressional gift reform, on Tuesday, July 25, 1995. **Page S10562**

**Nominations Received:** Senate received the following nominations: Alicia Haydock Munnell, of Massachusetts, to be a Member of the Council of Economic Advisers.

Routine lists in the Air Force, Marine Corps, Navy. **Pages S10579–81**

**Messages From the House:** **Pages S10564–65**

**Measures Referred:** **Page S10565**

**Executive Reports of Committees:** **Page S10565**

**Statements on Introduced Bills:** Pages S10565–72  
**Additional Cosponsors:** Pages S10572–73  
**Amendments Submitted:** Pages S10573–75  
**Authority for Committees:** Page S10575  
**Additional Statements:** Pages S10575–78  
**Record Votes:** Three record votes were taken today. (Total–326) Pages S10553, S10558–59

**Recess:** Senate convened at 9 a.m., and recessed at 8:41 p.m., until 9 a.m., on Tuesday, July 25, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on pages S10578–79.)

## Committee Meetings

(Committees not listed did not meet)

### BURMA

**Committee on Appropriations:** Subcommittee on Foreign Operations held hearings to examine democracy, human rights, and narcotics controls issues in Burma, receiving testimony from Winston Lord, Assistant Secretary for East Asian and Pacific Affairs, and Robert S. Gelbard, Assistant Secretary for Inter-

national Narcotics Matters, both of the Department of State; Mike Jendrzeczyk, Human Rights Watch for Asia, and Phil Fishman, AFL-CIO, both of Washington, D.C.; and Ohmar Khin, Burmese Student Organization.

Hearings were recessed subject to call.

### COMPUTER PORNOGRAPHY AND CHILDREN

**Committee on the Judiciary:** Committee concluded hearings on S. 892, to prohibit the transmission by computer of indecent material to minors, focusing on the scope of the problem, the state of the technology, and the need for Federal intervention, after receiving testimony from William W. Burrington, America Online, Inc., Vienna, Virginia, on behalf of the Interactive Services Association; Jerry Berman, Center for Democracy and Technology, Washington, D.C.; Stephen Balkam, Recreational Software Advisory Council, Cambridge, Massachusetts; Dee Jepsen, "Enough Is Enough" Campaign, Fairfax, Virginia; Michael S. Hart, Illinois Benedictine College, Lisle; Barry F. Crimmins, Lakewood, Ohio; Susan Elliot, McLean, Virginia; Michael Murray and Donelle Gruff, both of Safety Harbor, Florida; and Patricia W. Shao, Bethesda, Maryland.

# House of Representatives

## Chamber Action

**Bills Introduced:** Six public bills, H.R. 2100–2105; and two resolutions, H. Con. Res. 86, and H. Res. 200 were introduced. Page H7550

**Reports Filed:** Reports were filed as follows:

H.R. 927, to seek international sanctions against the Castro government in Cuba, and to plan for support of a transition government leading to a democratically elected government in Cuba, amended (H. Rept. 104–202, Part 1);

H.R. 1528, to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82–0192, United States District Court for the District of Columbia, amended (H. Rept. 104–203, Part 1); and

H.R. 1555, to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, amended (H. Rept. 104–204, Part 1). Pages H7549–50

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designates Representative Everett to act as Speaker pro tempore for today. Page H7465

**Recess:** House recessed at 10:56 a.m. and reconvened at noon. Pages H7467–68

**Committees To Sit:** The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Commerce, Government Reform and Oversight, and the Judiciary. Page H7481

**Alaskan North Shore Oil Exports:** By a recorded vote of 324 ayes to 77 noes, Roll No. 557, the House passed H.R. 70, to permit exports of certain domestically produced crude oil. Pages H7485–H7507

**Agreed To:**

The Young of Alaska amendment in the nature of a substitute that makes technical and conforming changes to various provisions; and Pages H7497–H7506

The Traficant amendment to the Young of Alaska substitute that requires the Secretary of Commerce to take appropriate action concerning exports of this oil if it is found that the exporting of this oil has caused shortages or price increases that have or are



likely to cause sustained material adverse employment effects.

Pages H7497–98

Rejected:

The Gejdenson amendment to the Young of Alaska substitute that sought to terminate the provisions of the bill if U.S.-flag vessels could not be used to transport any of the oil (rejected by a recorded vote of 117 ayes to 278 noes with 1 voting “present”, Roll No. 555);

Pages H7498–H7500, H7504–05

The Miller of California amendment to the Young of Alaska substitute that sought to limit the average daily volume of exports for any calendar year to the total average daily volume of oil delivered through the Alaska pipeline during the previous year, minus 1.35 million barrels per calendar day (rejected by a recorded vote of 95 ayes to 301 noes, Roll No. 556);

Pages H7500–02, H7505–06

The Metcalf amendment to the Young of Alaska substitute that sought to specify that any royalties due to the Federal Government from production of oil which is shipped through the trans-Alaska Pipeline Systems could be paid in kind as well as in cash, and to allow independent refiners located on the West Coast to have access to the Federal royalty share of this oil for refining; and

Pages H7502–03

The Gejdenson amendment to the Young of Alaska substitute that sought to provide that no oil could be exported before the end of the period with which the President must make his national interest determination.

Page H7504

H. Res. 197, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Pages H7481–85

**Recess:** House recessed at 4:23 p.m. and reconvened at 5:02 p.m.

Page H7504

**Transportation Appropriations:** House continued consideration of H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996; but came to no resolution thereon. Reading for amendment under the 5-minute rule will resume on Tuesday, July 25.

Pages H7507–39

Rejected:

The LaTourette amendment that sought to transfer \$6 million from the Office of the Secretary to the Coast Guard operations expenses account (rejected by a recorded vote of 183 ayes to 234 noes, Roll No. 558);

Pages H7508–11, H7521–22

The Foglietta amendment that sought to increase the appropriation for mass transit operating assistance grants by \$135 million and rescind an additional \$135 million from the Airport and Airway Trust Fund facilities and equipment account (rejected by a recorded vote of 122 ayes to 295 noes, Roll No. 559);

Pages H7511–16, H7522

The Smith of Michigan amendment that sought to strike \$666 million in discretionary mass transit grants for 30 new fixed guideways systems (rejected by a recorded vote of 114 ayes to 302 noes, Roll No. 560). A point of order against this amendment was overruled;

Pages H7516–23

The Smith of Michigan amendment that sought to reduce the appropriation for new fixed guideway systems by \$93 million and strike 15 new fixed guideway projects;

Pages H7526–27

The Smith of Michigan amendment that sought to strike \$15 million in appropriations for the Next Generation High Speed Rail Program (rejected by a recorded vote of 101 ayes to 313 noes, Roll No. 561);

Pages H7528–30, H7536–37

The Nadler amendment that sought to strike language restricting collection of tolls for bridges connecting Brooklyn and State Island solely to vehicles exiting from such bridge in Staten Island; and

Pages H7533–34

The Hefley amendment that sought to reduce the appropriation for the Transportation Department to perform certain ICC rail and motor carrier functions after the ICC is terminated (rejected by a recorded vote of 144 ayes to 270 noes, Roll No. 562).

Pages H7534–38, H7537–38

Points of order were sustained against the following:

The Danner amendment that sought to earmark \$26 million for section 18 rural transit and reduce other transit formula grants by the same amount; and

Pages H7523–24

Language in the bill that sought to prohibit the Secretary from authorizing funding of additional Federal-aid projects for the Central Artery/Third Harbor Tunnel Project in Boston, Massachusetts, unless a financial plan was submitted by October 30, 1995, and approved by the Secretary.

Page H7533

The following amendments were offered but subsequently withdrawn:

The Morella amendment that sought to increase funding for FAA research, engineering, and development by \$4 million and reduce the FAA facilities and equipment account by \$10 million; and

Pages H7524–25

The Filner amendment that sought to appropriate \$10 million for the subsidy costs of railroad rehabilitation and improvement loan guarantees.

Pages H7525–26

**Referrals:** Three Senate-passed measures were referred to the appropriate House committees

Page H7548

**Senate Messages:** Messages received from the Senate today appear on page H7468.

**Amendments Ordered Printed:** Amendments ordered printed pursuant to the rule appear on pages H7550–52.

**Quorum Calls—Votes:** Eight recorded votes developed during the proceedings of the House today and appear on pages H7504–05, H7505–06, H7507, H7521–22, H7522, H7522–23, H7536–37, and H7537–38. There were no quorum calls.

**Adjournment:** Met at 10:30 a.m. and adjourned at 11:19 p.m.

## Committee Meetings

### LABOR, HHS, EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Ordered reported the Labor, Health and Human Services, and Education appropriations for fiscal year 1996.

### DEPARTMENT OF COMMERCE DISMANTLING ACT

*Committee on Commerce:* Subcommittee on Commerce, Trade, and Hazardous Materials and the Subcommittee on Telecommunications and Finance held a joint hearing on H.R. 1756, Department of Commerce Dismantling Act. Testimony was heard from Representatives Chrysler, Mica, Levin and Skaggs; the following officials of the Department of Commerce: Ron Brown, Secretary; and Larry Irving, Under Secretary, Communications and Information; and public witnesses.

### OVERSIGHT

*Committee on Commerce:* Subcommittee on Energy and Power held an oversight hearing on the implementation of Corporate Average Fuel Economy (CAFE) Standards and related issues. Testimony was heard from Barry Felrice, Associate Administrator, Rule-making, National Highway Transportation Safety Administration, Department of Transportation; and public witnesses.

### OVERSIGHT—WACO

*Committee on the Judiciary:* Subcommittee on Crime and the Subcommittee on National Security, International Affairs of the Committee on Government Reform and Oversight, continued joint oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas. Testimony was heard from the following officials of the Department of the Treasury: Ronald K. Noble, Under Secretary, Law Enforcement; Lewis C. Merletti, Deputy Director, Department Review Team; James Cadigan, Firearms Expert, FBI; John Magaw, Director; Robert Rodriguez, Special Agent, Sharon Wheller, Special Agent, Daniel Black, Per-

sonnel Office, William Buford, RAC in Little Rock, Jon Henry Williams, Special Agent and Roland Ballesteros, Special Agent all with the Bureau of Alcohol, Tobacco and Firearms; and the following former officials of the Department of the Treasury: Roger Altman, Deputy Secretary; Chuck Sarabyn, SAC in Houston, Phillip Chojnacki, SAC in Houston and Dan Hartnett, Deputy Director, Enforcement, all with the Bureau of Alcohol, Tobacco and Firearms.

Hearings continue tomorrow.

### ETHICS INVESTIGATION

*Committee on Standards of Official Conduct:* Met in executive session to continue to take testimony regarding the ethics investigation of Speaker Gingrich. Testimony was heard from Fredrica Friedman, Vice President, Executive Editor, Associate Publisher, Little/Brown Co.

Will continue tomorrow.

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## COMMITTEE MEETINGS FOR TUESDAY, JULY 25, 1995

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations,* Subcommittee on Energy and Water Development, business meeting, to mark up H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996, 10 a.m., S–128, Capitol.

Subcommittee on Treasury, Postal Service, and General Government, business meeting, to mark up H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1996, 4 p.m., SD–192.

*Committee on Energy and Natural Resources,* Subcommittee on Forests and Public Land Management, to hold hearings on S. 45, to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, S. 738, to prohibit the Bureau of Mines from refining helium and selling refined helium, and to dispose of the United States helium reserve, and S. 898, to cease operation of the government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt, 9:30 a.m., SD–366.

*Committee on Finance,* to hold hearings to examine ways to improve the Medicare program and make it financially sound, focusing on private sector cost containment strategies, 9:30 a.m., SD–215.

*Committee on Foreign Relations,* Subcommittee on East Asian and Pacific Affairs, to hold hearings on the current status of United States-SINO relations, 2 p.m., SD–419.

*Committee on Governmental Affairs,* Subcommittee on Oversight of Government Management and The District

of Columbia, to hold hearings on S. 946, to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies, 9:30 a.m., SD-342.

Full Committee, to hold hearings on S. 929, to abolish the Department of Commerce, 2:30 p.m., SD-342.

*Committee on the Judiciary*, Subcommittee on Constitution, Federalism, and Property Rights, business meeting, to mark up H.R. 660, to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, 2 p.m., SD-226.

*Committee on Labor and Human Resources*, to hold hearings on proposed legislation relating to employer group purchasing reform, 9:30 a.m., SD-430.

*Committee on Indian Affairs*, to resume hearings on S. 487, to amend the Indian Gaming Regulatory Act, 9:30 a.m., SD-G50.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to resume hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, 9:30 a.m., SH-216.

## NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E1506 in today's RECORD.

## House

*Committee on Agriculture*, Subcommittee on Department Operations, Nutrition, and Foreign Agriculture, hearing to review H.R. 236, to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals, 2 p.m., 1300 Longworth.

*Committee on Appropriations*, to mark up the Defense appropriations for fiscal year 1996, 8:30 a.m., 2360 Rayburn.

*Committee on Banking and Financial Services*, Subcommittee on Domestic and International Monetary Policy, hearing on the Future of Money, 10 a.m., 2128 Rayburn.

*Committee on Commerce*, Subcommittee on Oversight and Investigations, hearing on Allegations of FDA Abuses of Authority, 10 a.m., 2123 Rayburn.

*Committee on Economic and Educational Opportunities*, hearing on Departmental reorganization, 9:30 a.m., 2175 Rayburn.

*Committee on Government Reform and Oversight*, Subcommittee on National Security, International Affairs, and Criminal Justice and the Subcommittee on Crime of the Committee on the Judiciary, to continue joint oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas, 9:30 a.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, oversight hearing on the Chief Financial Officer's Act, 9:30 a.m., 311 Cannon.

Subcommittee on Postal Service, oversight hearing on the U.S. Postal Inspection Service and Postal Operations, 10 a.m., 2247 Rayburn.

*Committee on House Oversight*, hearing on Voter Registration and Election Fraud, 10:15 a.m., 1310 Longworth.

*Committee on International Relations*, Subcommittee on Asia and the Pacific and the Subcommittee on International Operations and Human Rights, joint hearing on Indochinese Refugees: Comprehensive Plan of Action, 2 p.m., 334 Cannon.

*Committee on Resources*, Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 773, National Parks Service Concession Policy Reform Act of 1995; H.R. 1527, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws; H.R. 721, Public Resources Deficit Reduction Act of 1995; and H.R. 2028, Federal Land Management Agency Concession Reform Act of 1995, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power Resources, oversight hearing on the Trinity River Basin Fish and Wildlife Management Program, 1 p.m., 1334 Longworth.

*Committee on Rules*, to consider H.R. 2099, making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, 10:30 a.m., H-313 Capitol.

*Committee on Science*, to mark up H.R. 2043, National Aeronautics and Space Administration Authorization Act of 1996, 10:30 a.m., 2318 Rayburn.

*Committee on Standards of Official Conduct*, executive, to continue to take testimony regarding the ethics investigation of Speaker Gingrich, 9:30 a.m., HI-2M Capitol.

*Committee on Transportation and Infrastructure*, Subcommittee on Public Buildings and Economic Development, to mark up the Economic Development Administration Reform and Reauthorization, 8:30 a.m., 2253 Rayburn.

Subcommittee on Surface Transportation, hearing on the following: H.R. 2017, District of Columbia Emergency Highway Relief Act; and other proposals to waive the D.C. Local Matching Share for Certain Federal-Aid Highway Projects, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Subcommittee on Health, to continue hearings on Saving Medicare and Budget Reconciliation Issues, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, executive hearing on Guatemala 9:30 a.m., H-504 Capitol.

*Next Meeting of the SENATE*

9 a.m., Tuesday, July 25

## Senate Chamber

**Program for Tuesday:** Senate will begin consideration of S. 1061, Lobbying/Gift Rules legislation.

At 11 a.m., Senate will resume consideration of S. 1060, Lobbying Reform legislation, with a vote on final passage to occur thereon, following which Senate will recess until 2:15 p.m., for respective party conferences.

Senate may also resume consideration of S. 21, Bosnia-Herzegovina Self-Defense Act.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, July 25

## House Chamber

**Program for Tuesday:** Call of the Corrections Calendar; Send to conference S. 395, Lifting the Ban on Exports of Alaskan Crude Oil; and

Complete consideration of H.R. 2002, Transportation Appropriations for Fiscal Year 1996.

## Extensions of Remarks, as inserted in this issue

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